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IN THIS ISSUE:

FROM THIS ANGLE	845	State Board of Cosmetology	898
EMERGENCY RULES		State Board of Registration for the Healing Arts	898
Department of Mental Health		Landscape Architectural Council	899
Director, Department of Mental Health	847	State Board of Nursing	899
Certification Standards	848	State Board of Pharmacy	899
Division of Mental Retardation and Developmental Disabilities	848	State Board of Podiatric Medicine	900
Department of Health and Senior Services		State Committee for Social Workers	900
Division of Health Standards and Licensure	849	Department of Elementary and Secondary Education	
PROPOSED RULES		Division of School Improvement	909
Department of Conservation		Teacher Quality and Urban Education	910
Conservation Commission	851	Department of Public Safety	
Department of Economic Development		Division of Fire Safety	910
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	852	Department of Revenue	
Missouri Board of Geologist Registration	857	Director of Revenue	911
Board of Examiners for Hearing Instrument Specialists	857	Retirement Systems	
Missouri Veterinary Medical Board	859	The County Employee's Retirement Fund	912
Department of Elementary and Secondary Education		Department of Health and Senior Services	
Vocational Rehabilitation	864	Division of Environmental Health and Communicable Disease Prevention	913
Department of Mental Health		IN ADDITIONS	
Director, Department of Mental Health	873	Department of Economic Development	
Certification Standards	874	Division of Credit Unions	914
Division of Mental Retardation and Developmental Disabilities	874	Department of Health and Senior Services	
Department of Natural Resources		Division of Maternal, Child and Family Health	914
Hazardous Waste Management Commission	874	Division of Nutritional Health and Services	914
Land Survey	878	DISSOLUTIONS	915
Department of Revenue		BID OPENINGS	
Director of Revenue	881	Office of Administration	
Department of Health and Senior Services		Division of Purchasing	916
Division of Senior Services	890	SOURCE GUIDES	
Division of Health Standards and Licensure	896	RULE CHANGES SINCE UPDATE	917
ORDERS OF RULEMAKING		EMERGENCY RULES IN EFFECT	928
Department of Economic Development		EXECUTIVE ORDERS	930
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	897	REGISTER INDEX	931

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
March 3, 2003 March 17, 2003	April 1, 2003 April 15, 2003	April 30, 2003 April 30, 2003	May 30, 2003 May 30, 2003
April 1, 2003 April 15, 2003	May 1, 2003 May 15, 2003	May 31, 2003 May 31, 2003	June 30, 2003 June 30, 2003
May 1, 2003 May 15, 2003	June 2, 2003 June 16, 2003	June 30, 2003 June 30, 2003	July 30, 2003 July 30, 2003
June 2, 2003 June 16, 2003	July 1, 2003 July 15, 2003	July 31, 2003 July 31, 2003	August 30, 2003 August 30, 2003
July 1, 2003 July 15, 2003	August 1, 2003 August 15, 2003	August 31, 2003 August 31, 2003	September 30, 2003 September 30, 2003
August 1, 2003 August 15, 2003	September 2, 2003 September 15, 2003	September 30, 2003 September 30, 2003	October 30, 2003 October 30, 2003
September 2, 2003 September 15, 2003	October 1, 2003 October 15, 2003	October 31, 2003 October 31, 2003	November 30, 2003 November 30, 2003

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



FROM THIS ANGLE...

Updating Needed?

Has your agency reviewed your administrative rules that are published in the *Code of State Regulations* lately? Many agencies discover when reviewing the same that their rules and regulations are out-of-date! When was the last time your agency reviewed their rules? Of the approximately 10,000 pages in the *Code of State Regulations* the rulemakings of many agencies are out-of-date. Please look over your rules that are lodged in *Code* to see if you need to update the same. Remember, the rules and regulations that are published in the *Code of State Regulations* are the rules that are in effect.

Rules may have been superceded by court decision or statutory changes, and in those cases a state agency should take steps to make sure its rules accurately reflect such changes and that you notify our office of those changes so that they may be properly reflected in *Code*. This is the agency's responsibility.

Forms

This is another area where many agencies are revisiting what currently is contained in their rulemakings published in *Code*. Forms are often revised and/or amended, however, the form that currently is published in *Code* is also considered the "official" form. Many agencies have adopted the practice of referring the reader to their respective website address for the most current downloadable, fillable form, rather than making their forms a part of their rules. This is a win/win situation for the agency and the user. The agency's forms, and, therefore, their rules contain the most current content; and the user has access to the newest form and, therefore does not risk rejection of a form due to the improper version being utilized. If you need assistance with this, please contact our office.

Incorporated by Reference Material?

Do your rulemakings cite incorporated by reference material? If so, are those materials so incorporated on file in your office and in our office? By statute, we must have the incorporated by reference material on file here; and you must also retain a copy of the same in your office.

Moving rules . . . needing to move rules?

Is your agency or division being affected by legislation (either current or recently passed) that will move a division or department to another agency? Are your rules currently published in the *Code of State Regulations* reflective of this move? Do you need assistance from our staff in advising you the quickest, easiest manner for moving your rules? If so, give us a call! We meet with agencies on a regular basis to assist them in this manner.

And, finally, remember . . . to get text from us!!

If you find your rules do need revision and you are beginning to revise your rules, please call us for the text of your rules as they currently exist in the *Code of State Regulations*. We can send you an e-mail containing the electronic copy of your text. This will save you many keystrokes in revising your rulemakings! And, you will be beginning your revisions with the current published version of the rule, rather than an earlier version.

As always, please contact us if we may be of assistance to you in any way in the rulemaking process.



Lynne C. Angle
Director, Administrative Rules

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 10—Director, Department of Mental Health Chapter 5—General Program Procedures

EMERGENCY RULE

9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA)

PURPOSE: *This rule alerts providers to the possible HIPAA Privacy Rule requirements if the provider has determined that it is a covered entity as defined by HIPAA. Once that is established, this rule lists policies and procedures that the HIPAA Privacy Rule requires for each covered entity.*

EMERGENCY STATEMENT: *This emergency rule requires providers who are subject to the HIPAA Privacy requirements to establish appropriate policies and procedures for implementing HIPAA regulations. An emergency rule is necessary because the federal HIPAA Privacy Rule becomes effective on April 14, 2003. For this reason the Department of Mental Health finds that the early effective date of the federal regulations related to HIPAA constitutes a compelling governmental interest, which requires an emergency rule. A proposed rule, which covers this same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Mental Health believes this emergency rule is fair to*

all interested persons and parties under the circumstances. This emergency rule was filed on April 1, 2003, effective April 14, 2003 and expires October 14, 2003.

(1) This rule applies to all programs licensed, certified or funded by the Department of Mental Health.

(2) Definitions.

(A) HIPAA: the Health Insurance Portability and Accountability Act of 1996 (45 CFR parts 160 and 164) as it relates to Privacy.

(B) Protected Health Information (PHI): As defined by HIPAA (45 CFR section 164.501), PHI is individually identifiable health information that is—

1. Transmitted by electronic media;
2. Maintained in any medium described in the definition of electronic media; or
3. Transmitted or maintained in any other form or medium.

(C) Individually identifiable health information: As defined by HIPAA (45 CFR section 160.103), individually identifiable health information is any information, including demographic information, collected from an individual that is—

1. Created or received by a healthcare provider, health plan, employer, or healthcare clearinghouse; and
2. Related to the past, present, or future physical or mental health or condition of an individual; the provision of healthcare to an individual; or the past, present, or future payment for the provision of healthcare to an individual, and which identifies the individual, or with respect to which there is reasonable basis to believe that the information can be used to identify the individual.

(D) Business associate: As defined by HIPAA (45 CFR section 160.103), a person who, on behalf of the covered entity or provider or of an organized healthcare arrangement in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs, or assists in the performance of:

1. A function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or
2. Any other function or activity regulated by this subchapter; or provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized healthcare arrangement in which the covered entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

(3) All providers who determine that they qualify as covered entities must comply with the provisions of the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). A covered entity is defined as a healthcare provider, a health plan or a clearinghouse. The effective date of the Privacy Rule is April 14, 2003. IF this provider is a covered entity, THEN HIPAA requires the appropriate policies and procedures be in place to comply with the HIPAA Privacy Rule. HIPAA requires such policies and procedures to include, but not be limited to, the following topics: Notice of Privacy Practices, Amendment of Protected Health Information (PHI), Client Access to PHI, Accounting of Disclosures, Workforce Training, Verification, Authorization for Disclosures of PHI, HIPAA Complaint Process, Marketing (if applicable), Research (if applicable), Audit and Monitoring of HIPAA compliance, and Business Associates Agreements with those companies providing goods and

services which require the disclosure of PHI, etc. Where existing confidentiality protections provided by 42 CFR part 2, related to the release of alcohol and drug abuse records, are greater than HIPAA, then the department anticipates that the provider will consider any such provision of 42 CFR part 2 as the guiding law.

AUTHORITY: section 630.050, RSMo Supp. 2002, 45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996. Emergency rule filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance
Abuse Programs**

EMERGENCY AMENDMENT

9 CSR 10-7.090 Governing Authority and Program Administration. The department proposes to add a new section (6).

PURPOSE: This amendment will advise agencies subject to this rule of certain federal regulations related to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

EMERGENCY STATEMENT: This emergency amendment requires providers who are subject to the HIPAA Privacy requirements to establish appropriate policies and procedures for implementing HIPAA regulations. An emergency amendment is necessary because the federal HIPAA Privacy Rule becomes effective on April 14, 2003. For this reason the Department of Mental Health finds that the early effective date of the federal regulations related to HIPAA constitutes a compelling governmental interest, which requires an emergency amendment. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Mental Health believes this emergency amendment is fair to all interested persons under the circumstances. This emergency amendment was filed on April 1, 2003, effective April 14, 2003 and expires October 14, 2003.

(6) Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Regulatory Compliance. The organization must comply with other applicable requirements as set forth in 9 CSR 10-5.220.

AUTHORITY: sections 630.050 and 630.055, RSMo 2000 and 45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Emergency amendment filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

EMERGENCY AMENDMENT

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs. The department proposes to add a new paragraph (3)(A)17.

PURPOSE: This amendment will advise agencies subject to this rule of certain federal regulations related to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

EMERGENCY STATEMENT: This emergency amendment requires providers who are subject to the HIPAA Privacy requirements to establish appropriate policies and procedures for implementing HIPAA regulations. An emergency amendment is necessary because the federal HIPAA Privacy Rule becomes effective on April 14, 2003. For this reason the Department of Mental Health finds that the early effective date of the federal regulations related to HIPAA constitutes a compelling governmental interest, which requires an emergency amendment. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Mental Health believes this emergency amendment is fair to all interested persons under the circumstances. This emergency amendment was filed on April 1, 2003, effective April 14, 2003 and expires October 14, 2003.

(3) Other Rules and Standards. In addition to standards for specific programs and services, the organization must comply with other applicable requirements.

(A) The following Core Rules for Psychiatric and Substance Abuse Programs must be met, unless otherwise stipulated in standards for specific programs and services:

1. 9 CSR 10-7.010 Treatment Principles and Outcomes;
2. 9 CSR 10-7.020 Rights, Responsibilities and Grievances;
3. 9 CSR 10-7.030 Service Delivery Process and Documentation;
4. 9 CSR 10-7.040 Quality Improvement;
5. 9 CSR 10-7.050 Research;
6. 9 CSR 10-7.060 Behavior Management;
7. 9 CSR 10-7.070 Medications;
8. 9 CSR 10-7.080 Dietary Services;
9. 9 CSR 10-7.090 Governing Authority and Program Administration;
10. 9 CSR 10-7.100 Fiscal Management;
11. 9 CSR 10-7.110 Personnel;
12. 9 CSR 10-7.120 Physical Plant and Safety;
13. 9 CSR 10-7.130 Procedures to Obtain Certification;
14. 9 CSR 10-7.140 Definitions;
15. 9 CSR 10-5.190 Criminal Record Review; [and]
16. 9 CSR 10-5.200 Report of Complaints of Abuse and Neglect./; and

17. 9 CSR 10-5.220 Health Insurance Portability and Accountability Act of 1996.

AUTHORITY: sections 302.540, RSMo Supp. 2001 and 630.050, 630.655 and 631.102, RSMo 2000. 45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed March 8, 2002, effective Sept. 30, 2002. Emergency amendment filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards**

EMERGENCY AMENDMENT

9 CSR 45-5.060 Procedures to Obtain Certification. The department proposes to add a new section (14).

PURPOSE: This amendment will advise agencies subject to this rule of certain federal regulations related to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

EMERGENCY STATEMENT: This emergency amendment requires providers who are subject to the HIPAA Privacy requirements to establish appropriate policies and procedures for implementing HIPAA regulations. An emergency amendment is necessary because the federal HIPAA Privacy Rule becomes effective on April 14, 2003. For this reason the Department of Mental Health finds that the early effective date of the federal regulations related to HIPAA constitutes a compelling governmental interest, which requires an emergency amendment. A proposed amendment, which covers this same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Mental Health believes this emergency amendment is fair to all interested persons under the circumstances. This emergency amendment was filed on April 1, 2003, effective April 14, 2003 and expires October 14, 2003.

(14) The organization must comply with other applicable requirements as set forth in 9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA).

AUTHORITY: sections 630.050 and 630.655, RSMo 2000. **45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996.** Emergency rule filed Feb. 13, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Feb. 13, 2002, effective Aug. 30, 2002. Emergency amendment filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

EMERGENCY AMENDMENT

19 CSR 30-40.309 Application and Licensure Requirements Standards for the Licensure and Relicensure of Ground Ambulance Services. The department is amending by adding a new section (13).

PURPOSE: This amendment sets forth the process for an existing ambulance service licensee to reduce their primary service area.

EMERGENCY STATEMENT: Since 1973 the Missouri Department of Health and Senior Services has had statutory authority and responsibility to license and regulate emergency medical services. In 1998 the Missouri General Assembly passed Conference Committee Substitute for House Substitute for Senate Bill No. 743. This legislation embodies major revisions and additions to the Department of Health and Senior Service's authority effective August 28, 1998. These revisions and additions included removal of the Department's authority to license individual ambulance vehicles and mandates licensure and regulation of ambulance services, emergency medical response agencies and EMS training entities. On August 28, 1998, the prior law was rescinded and the associated regulations governing emergency medical services became obsolete. New regulations governing emergency medical services by the Department of Health and Senior Services were necessary to assure patient safety and were promul-

gated under the new legislation. The new regulations did not address how the department would proceed with allowing an existing ambulance service to discontinue providing ambulance service to an area that the ambulance service had been licensed to operate within as the sole ambulance provider. In past years, the trend was for ambulance service providers to expand their service areas. However, as the economic environment changes, some services have reevaluated this strategy and have decided to reduce their service areas. To allow an ambulance service to discontinue service to a specific area without notice, or finding another licensed provider to provide service to the area, would create a potential to have certain areas of Missouri without emergency medical services. In the past two (2) years there have been three (3) instances in which ambulance services have requested to discontinue service to a particular portion of their primary service area. These areas have been in rural parts of Missouri. A loss of ambulance service in these areas would cause great delays or a lack of service all together leaving those that are ill or injured without help. There is no provision for decreasing the primary service area currently, yet still maintaining some responsibility to assure continued service is available and there is the possibility that portions of Missouri would be left without ambulance service coverage.

As a result, it is the finding of the department that this emergency regulation is necessary for the appropriate regulation and licensing of emergency medical services. The Missouri Department of Health and Senior Services find an immediate danger to the public health, safety and welfare and a compelling governmental interest to be preserved which requires emergency action to set an early effective date for the required new regulations governing emergency medical services.

In light of the necessity for appropriate departmental regulations and licensing governing emergency medical services on an ongoing and uninterrupted basis, there is a compelling governmental interest to enact these rules through emergency rulemaking.

The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 31, 2003, effective April 14, 2003 and expires October 11, 2003.

(13) An existing ambulance service licensee may apply for and be granted by Bureau of EMS a reduction in their primary service area if they meet the following requirements:

(A) Submit a completed application for licensure, requesting a reduction of their ambulance service area and include a detailed description of the affected area that will no longer be included in their primary service area; and

(B) Provide written documentation of an agreement with another licensed ambulance service, stating the service has agreed to provide ambulance service to the vacated service area through an expansion of their services, by either contract or mutual aid agreement or provide public notice to residents of the affected area.

1. Public notice to residents of the affected area includes:

A. Publishing notice in a newspaper of the largest general circulation, that is published in the county in the area affected by the decision to withdraw ambulance coverage, a minimum of one (1) year in advance of the proposed date of discontinuation of ambulance services. A completed affidavit of publication and an original clipping of published notice must accompany the application for licensure; and

B. Providing written notice to the county commission of any county that as a whole or in part, will be affected by the discontinuation of services, a minimum of one (1) year in advance of the proposed date of discontinuation of ambulance services.

*AUTHORITY: sections 190.103, 190.105, 109.107, 190.109, 190.120, 190.160, 190.165, 190.175, 190.176, RSMo Supp. 2001 and 190.185, 190.190, RSMo [Supp. 1998] 2000. Emergency rule filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Emergency amendment filed March 31, 2003, effective April 14, 2003, expires Oct. 11, 2003. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted printed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 6—Wildlife Code: Sport Fishing: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-6.405 General Provisions. The commission proposes to amend sections (2) and (4).

PURPOSE: This amendment modifies the reciprocal fishing privilege of persons licensed by the state of Kentucky.

(2) Permits Required.

(B) Any person possessing a valid sport fishing license issued by the state of *[Kentucky or]* Arkansas, or who is legally exempted from those license requirements, without further permit or license, may fish in the flowing portions of the *[Mississippi or]* St. Francis

[rivers] River within the boundary of Missouri *[adjacent to the state where that person is licensed]*.

(D) Any person possessing a valid sport fishing license issued by the state of Kentucky, or who is legally exempted from those license requirements, without further permit or license, may fish in the Mississippi River within the boundary of Missouri adjacent to the state of Kentucky. For the purposes of these reciprocal fishing privileges, the river is defined as the main channel and immediate side or secondary channels or chutes. It does not include oxbow or floodplain lakes, or backwaters that extend onto the floodplain or up tributaries when the Mississippi River level exceeds thirty-three feet (33') at the Cairo, Illinois gauging station.

(4) Reciprocal Privileges: Mississippi, Missouri and St. Francis Rivers.

(B) Regulations of the state where the person is licensed shall apply in Arkansas boundary waters. Missouri regulations shall apply in the Missouri portion of Illinois, Kentucky, Tennessee, Nebraska and Kansas boundary waters. Persons licensed in Illinois, **Kentucky**, Tennessee, Kansas and Nebraska, when fishing in waters in which they are not licensed to fish by Missouri, shall comply with the most restrictive laws and regulations of the two (2) states.

(D) Persons licensed in Arkansas *[or Kentucky]* may not fish from or attach any device or equipment to land under the jurisdiction of Missouri.

(E) Persons licensed in Illinois, **Kentucky**, Tennessee, Kansas or Nebraska may fish from or attach devices or equipment to land under the jurisdiction of Missouri.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 24, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.726 Reciprocal Privileges: Commercial Fishing and Musseling; Commercial Waters. The commission proposes to amend section (1).

PURPOSE: This amendment eliminates reciprocal fishing privileges for persons possessing valid commercial fishing licenses or commercial musseling permits issued by the state of Kentucky.

(1) Any person possessing a valid commercial fishing license or commercial musseling permit issued by the states of Illinois, *[Kentucky,]*

Tennessee, Arkansas, Kansas or Nebraska, or who is legally exempted from the license requirement without further permit or license, may fish or mussel as permitted by this Code in commercial waters within the boundary of Missouri and adjacent to the state where the fisherman or musseler is licensed.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 14, 1973, effective March 24, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 24, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED RULE

3 CSR 10-10.732 Tag and Release Fishing Promotion Permit

PURPOSE: This rule establishes a tag and release fishing promotion permit for individuals tagging fish for promotions, contests or other events on selected impoundments.

(1) To engage in tagging and releasing fish in association with a fishing promotion, contest or other event. Fee: Two hundred fifty dollars (\$250).

(2) A tag and release fishing promotion permit authorizes the holder to tag and release one (1) fish into an impoundment of the state, in accordance with the following:

(A) Only one (1) valid permit per impoundment may be possessed by the holder at any one time. No more than two (2) permits shall be valid for the same impoundment at any one time.

(B) Only crappie, black bass and catfish species may be tagged.

(C) Events shall be restricted to Lake of the Ozarks, Stockton Lake, Table Rock Lake and Truman Lake. Tag and release fishing promotion permits may be further restricted for areas within five (5) miles of any portion of an impoundment with an active department fishery research project.

(D) Fish to be tagged shall be obtained from the impoundment specified in the permit in compliance with established seasons, methods and limits.

(E) Fish shall be tagged in the presence of an agent of the department using a technique approved by the department.

(F) Contest rules shall comply with established fishing seasons, methods and limits.

(G) There shall be no fee, registration or other consideration beyond a valid Missouri fishing permit as required by the Wildlife Code to enter or participate in the event.

(H) Maximum duration of any event shall be thirty (30) days.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed March 24, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects**

**Chapter 16—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

4 CSR 30-16.020 Definitions. The board is proposing to delete section (2), and renumber sections (2)–(15).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

[(2) Class of Property.

(A) *Rural property*—Any property that is not urban or suburban that is used for the production of crops, livestock or minerals, or used as parks, forest or similar use.

(B) *Suburban property*—Any property which is not urban property that is or is intended to be primarily used for residential purposes or property lying between residential areas whose value is influenced by the presence of such nearby developed real estate.

(C) *Urban property*—Any property wholly or partly within the corporate limits of any city, town or village, and any commercial and industrial properties, condominium properties, town houses, apartments, and other multi-unit developments.]

[[3]] (2) Controlling corners[.]: Controlling corners are the corners that determine the location of the record title boundary.

[[4]] (3) Exterior corners: Exterior corners of a parcel are the corners that define the shape and size of the parcel.

[[5]] (4) [Legal] Property description[.]: A property description is [A] a description of real property by government survey, metes and bounds, or lot numbers of record. The description must be complete enough so a particular parcel of land can be located and identified.

[[6]] (5) Linear error of closure: Linear error of closure is the square root of the sum of the squares of the error in north coordinates (Y) and in east coordinates (X).

[[7]] (6) *Material variations, whether between surveyed lines and lines of possession, or between record and measured distances or directions are variations so substantial and important that they would influence a reasonably prudent and otherwise knowledgeable person when making decisions in reliance upon the survey.* **Material variations:** Materials variations are those differences between surveyed lines and lines of possession or measurements called for in the record source of the property being surveyed that are, in the professional judgement of the surveyor, substantial and important to the location of the subject survey.

[[8]] (7) **Physical monument[.]:** The term physical monument refers to both natural and artificial physical objects which are accepted and used to mark boundaries and corners.

[[9]] (8) **Property boundary surveys[.]:**

(A) A condominium survey is a survey executed to create and define condominium property in accordance with Chapter 448, RSMo.

(B) An original survey is a survey which creates a new parcel out of a large parent tract, for the purpose of conveying the new parcel. Boundary adjustment plats, consolidation plats, riparian plats, lot splits, and minor subdivisions are examples of original surveys.

(C) A resurvey is a survey executed to remark, reestablish, restore or delineate the boundary line or corners of a parcel previously created by a deed, survey or subdivision.

(D) A subdivision survey is the partitioning of land into two (2) or more parcels by platting the divisions of land in accordance with Chapter 445, RSMo and per the appropriate platting procedures, and from which parcels are then sold by reference to the plat of record.

[[10]] (9) **Radial survey measurement tolerance:** Radial survey measurement tolerance is the computed expected relative accuracy of any distance determined by radial surveying methods. It is computed using an analysis of component distance and direction errors.

[[11]] (10) **Radial survey method:** Radial survey method is the determination of the coordinate values of points by measuring directions and distance from a central point as opposed to determination of the coordinates of points by traverse. The determination of coordinates by "side shots" from a closed traverse is not considered a radial surveying method.

[[12]] (11) **Record title boundaries:** Record title boundaries are the boundaries of the real estate described in the title of record.

[[13]] (12) **Relative position tolerance:** Relative position tolerance is the relative accuracy between all **directly connected** pairs of points in a survey. In practice it is computed for a sampling of pairs of points using either an analysis of component distance and direction errors or from a minimally constrained, correctly weighted least squares adjustment.

[[14]] (13) **Title of record:** Title of record[.] is [A] a title to real estate, evidenced and provable by one (1) or more conveyances or other instruments all of which are duly entered on the public records.

[[15]] (14) **Traverse closure:** Traverse closure is the linear error of closure of the traverse computed either from an analysis of the component distances and direction errors or from the actual traverse measurements.

[[16]] (15) **United States Public Land Survey Corners:** United States Public Land Survey Corners[.] *Corners of the United States Public Land Survey* are those points that determine the boundaries of the various subdivisions represented on the official government plat such as the township corner, the section corner, the

quarter-section corner, blank quarter-section corners, center of section, fractional-section corners, grant corner and meander corner.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects

Chapter 16—Missouri Minimum Standards for Property Boundary Surveys

PROPOSED AMENDMENT

4 CSR 30-16.030 General Land Surveying Requirements. The board is proposing to amend subsections (1)(A), (3)(F) and (3)(I), delete subsection (3)(O), renumber the remaining subsection accordingly and add new language in subsection (3)(P).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

(1) Research and Investigation.

(A) Every survey executed shall be based on the *[legal]* property description of the parcel or parent tract taken from the title of record. This *[legal]* property description should be provided by the client.

(3) Publication of Results. A plat shall be made showing the results of the survey and a signed and sealed copy of the plat shall be furnished to the client. This survey plat shall conform to all of the following provisions, where applicable:

(F) A *[prominent]* north arrow shall be drawn on every sheet containing graphic survey data;

(I) All vertical dimensions shall be shown by elevations above an established or assumed datum[.] and the source of the established or assumed datum shall be defined on the plat. Vertical dimensions shall be made at the same accuracy standard as property boundary surveys.

1. Type Urban Property Accuracy shall be one-tenth (0.10) of a foot or 1:20,000 for distances greater than two thousand feet (2,000') and shall apply to any property that is wholly or partly within the corporate limits of any city, town or village, and any

commercial and industrial property, condominium property, town house property, apartments, and other multi-unit developments.

2. Type Suburban Property Accuracy shall be one-tenth (0.10) of a foot or 1:10,000 for distances greater than one thousand feet (1,000') and shall apply to any property that is not Urban Property, that is or is intended to be primarily used for residential purposes or property lying between residential areas whose value is influenced by the presence of such nearby developed real estate.

3. Type Rural Property Accuracy shall be two-tenths (0.20) of a foot or 1:5,000 for distances greater than one thousand feet (1,000') and shall apply to all property that is not Urban Property or Suburban Property;

[(O)] *The class of property shall be noted on the plat; and*

[(P)] (O) Any material variation between measured and record dimensions shall be noted on the plat./; and

(P) The plat shall identify title documents for adjoining properties, as they appear of record, consistent with the research and investigation provisions of these standards. The source of said title documents shall be shown, preferably by recording book and page reference of the county records.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects

Chapter 16—Missouri Minimum Standards for Property Boundary Surveys

PROPOSED AMENDMENT

4 CSR 30-16.040 Accuracy Standards for Property Boundary Surveys. The board is proposing to make sections (2)–(4) subsections of section (1), add a new section (2) and delete section (5).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferi-

or survey work and the protection of private property rights in Missouri.

(1) The surveyor shall select the proper equipment and method necessary to achieve either the required relative position tolerance, required radial survey measurement tolerance or required traverse closure.

[(2)] (A) If the computed relative position tolerance is greater than the required relative position tolerance, the survey shall be considered unacceptable and shall be remeasured.

[(3)] (B) If the computed traverse closure is greater than the required traverse closure, the traverse shall be considered unacceptable and shall be remeasured.

[(4)] (C) When the radial survey methods are used, it is the responsibility of the surveyor to provide sufficient checks to insure that the relative positional tolerance of all points is not greater than that required in this regulation.

[(5)] *The required relative position tolerance and traverse closure at sixty-eight percent (68%) confidence level shall be—For urban property: one-tenth of a foot (0.10') or 1:20,000 for distances greater than two thousand feet (2000'); Suburban property: one-tenth of a foot (0.10') or 1:10,000 for distances greater than one thousand feet (1000'); Rural property: two-tenths of a foot (0.20') or 1:5,000 for distances greater than one thousand feet (1000').]*

(2) The required relative position tolerance and traverse closure at sixty-eight percent (68%) confidence level shall be for:

(A) Type Urban Property Accuracy shall be one-tenth (0.10) of a foot or 1:20,000 for distances greater than two thousand feet (2,000') and shall apply to any property that is wholly or partly within the corporate limits of any city, town or village, and any commercial and industrial property, condominium property, town house property, apartments, and other multi-unit developments.

(B) Type Suburban Property Accuracy shall be one-tenth (0.10) of a foot or 1:10,000 for distances greater than one thousand feet (1,000') and shall apply to any property that is not Urban Property, that is or is intended to be primarily used for residential purposes or property lying between residential areas whose value is influenced by the presence of such nearby developed real estate.

(C) Type Rural Property Accuracy shall be two-tenths (0.20) of a foot or 1:5,000 for distances greater than one thousand feet (1,000') and shall apply to all property that is not Urban Property or Suburban Property.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects**

**Chapter 16—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

4 CSR 30-16.060 Approved Monumentation. The board is proposing to amend subsection (3)(C) and section (6).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

(3) Semi-permanent monuments shall be selected from the following:

(C) In urban built-up areas, a cross-cut or drill hole in concrete, brick, [or] stone paving, or bedrock at the precise position of the corner or on a prolongation of a boundary line; and

(6) When it is impractical to set a required monument, a witness monument shall be set. It should be placed five feet (5') or more away from the point and preferably at an even foot. Witness monuments [less than five feet (5') from the point] must be clearly identified and shown on the plat. The location of the witness monument should be along a line of the survey or a prolongation of such line.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects**

**Chapter 16—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

4 CSR 30-16.070 Detail Requirements for Resurveys. The board is proposing to add new language in subsection (2)(B) and renumber the remaining subsections accordingly.

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

(2) Publication of Results.

(B) The Accuracy Standard, Type Urban, Type Suburban or Type Rural, shall be noted on the plat.

[(B)] (C) If the boundary description surveyed is from a recorded document, then the plat shall show or reference, or both, the record source of the boundary description surveyed. For example: lot, block, subdivision name; deed record book and page; document number.

[(C)] (D) If the boundary description surveyed is not contained in a recorded document (for example, boundary description contained in a lease, or unrecorded contract for deed), then the description provided the surveyor shall be quoted on the plat.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects**

**Chapter 16—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

4 CSR 30-16.080 Detail Requirements for Original Surveys. The board is proposing to amend subsection (2)(B) and add new language in subsection (2)(C).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

(2) Publication of Results.

(B) [Legal] The property description of the parcel created shall be written and shown on the resulting plat of survey.

(C) The Accuracy Standard, Type Urban, Type Suburban or Type Rural, shall be noted on the plat.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects

Chapter 16—Missouri Minimum Standards for Property Boundary Surveys

PROPOSED AMENDMENT

4 CSR 30-16.090 Detail Requirements for Subdivision Surveys. The board is proposing to amend section (2).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

(2) Publication of Results. The plat shall show or reference the record source of the parent parcel from which the subdivision survey was made, and the Accuracy Standard, Type Urban, Type Suburban or Type Rural, shall be noted on the plat.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional

Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects

Chapter 16—Missouri Minimum Standards for Property Boundary Surveys

PROPOSED AMENDMENT

4 CSR 30-16.100 Detail Requirements for Condominium Surveys. The board is proposing to amend subsections (2)(K) and (2)(L) and add new language in subsection (2)(M).

PURPOSE: This rule is being amended to revise, edit and update those standards required for all property boundary surveys in Missouri. This rule is promulgated dually between the Missouri Department of Natural Resources and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. It provides for a uniform set of standards for the professional surveying methods protecting the public from inferior survey work and the protection of private property rights in Missouri.

(2) Publication of Results. Each plat shall show the following:

(K) The plat shall clearly define the elevation datum used. The current North American Vertical Datum, or a similar well documented datum is preferred. The location and elevation of the benchmark used to establish project datum shall be described on the plat. If no such established datum exists within a reasonable distance of the project, the surveyor will set a permanent monument as a benchmark and shall show its location and elevation on the plat; [and]

(L) A plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium. Any contemplated improvement shown must be labeled either SHALL BE BUILT or NEED NOT BE BUILT./; and

(M) The Accuracy Standard shall be Type Urban and shall be noted on the plat.

AUTHORITY: section 327.041, RSMo Supp. [1993] 2001. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 145—Missouri Board of Geologist Registration
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 145-1.030 Application for Licensure. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the Code of State Regulations.

AUTHORITY: section 256.462.3, RSMo [1994] 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 145-2.030 Post-Baccalaureate Experience in Geology. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the Code of State Regulations.

AUTHORITY: section 256.462.3, RSMo [1994] 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 145-2.100 Registered Geologist's Seal. The board is proposing to add new language in subsection (3)(C).

PURPOSE: This amendment clarifies the need for multiple seals when plans, reports, etc. are being prepared by more than one licensed professional.

(3) In addition to the personal seal or rubber stamp, the registered geologist shall also affix his/her signature on or through his/her seal, and place the date of the signature under the seal on each sheet in a set of plans, drawings, specifications, maps, reports, and other documents which are prepared by the registered geologist or under the registered geologist's immediate personal supervision.

(C) If a set of multiple page plans, reports, maps, drawings or other documents or instruments ("documents") contains the seals of more than one (1) licensed or registered professional, the registered geologist should certify, on the title or index page, that his/her seal only relates to the portions of the documents that involve the practice of geology, as defined in section 256.453(7), RSMo. The registered geologist should identify, on the title page or index, the geologic portions of the documents that he/she, or someone under his/her immediate personal supervision, prepared. The registered geologist may identify those portions of the documents that neither he/she nor someone under the registered geologist's immediate personal supervision prepared.

AUTHORITY: sections 256.456 and 256.462.3, RSMo [1994] 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 165-2.010 Hearing Instrument Specialist in Training (Temporary Permits). The board is proposing to amend subsection (2)(B).

PURPOSE: This proposed amendment clarifies the time limit in which an individual may hold a temporary permit.

(2) An approved temporary permit shall entitle the hearing instrument specialist in training to engage in the practice of fitting hearing instruments as defined by section 346.010(11), RSMo, for a period of one (1) year.

(B) *[No hearing instrument specialist in training shall be issued a temporary permit for more than eighteen (18) months.]* The six (6)-month renewal term shall commence immediately following the expiration of the temporary permit, regardless of when the renewal application is received by the board, such that a hearing instrument specialist in training shall not hold a temporary permit beyond eighteen (18) months from the date the temporary permit was originally issued.

AUTHORITY: sections 346.070, **346.075**, 346.080 and 346.115.1(7), RSMo [Supp. 1998] 2000. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 165-2.030 Licensure by Examination. The board is proposing to amend subsection (7)(A).

PURPOSE: *In order to ensure the integrity of the practical portion of the examination and to ensure that an applicant's abilities are adequately tested, this amendment allows the board to prohibit the use of any particular equipment containing memory storage by an applicant when testing for the practical examination.*

(7) The practical portion of the examination shall be conducted by the board or its designees. The following procedures and requirements shall apply:

(A) It shall be the responsibility of the applicant to furnish all equipment needed. **In order to ensure the integrity of the practical portion of the examination and that it adequately tests the applicant's abilities, the board may determine what equipment an applicant is permitted to use and may prohibit the use of any particular equipment containing memory storage, unless it can be demonstrated and verified that the memory can be erased.** Equipment shall be in good working order as evidenced by a receipt of annual calibration of the audiometer. Failure to have the necessary equipment will be sufficient reason to disallow the applicant the opportunity to take the practical portion of the examination and cause forfeiture of the examination fee. If the applicant wishes to take the

next scheduled practical portion of the examination, the applicant must reapply and pay the proper examination fee; and

AUTHORITY: sections **346.060**, **346.085** and 346.115.1(7), RSMo [Supp. 1998] 2000. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 165-2.060 License Renewal. The board is proposing to amend section (3), delete paragraph (8)(B)5. and renumber the remaining paragraphs accordingly.

PURPOSE: *This amendment removes the requirement of the licensee to submit a company certificate when reactivating a non-current license.*

(3) Each person who engages in the fitting and selling of hearing instruments shall, on or before the renewal date, pay the required fees, present annual receipts of calibration of all audiometers and *[present]* **obtain** satisfactory evidence that continuing education requirements have been completed. No person whose license has expired and who applies for renewal will be required to submit to an examination as a condition of renewal, if this renewal application is made within two (2) years from the date of expiration.

(8) Reactivation of Non-Current License.

(B) In order to reactivate a non-current license the hearing instrument specialist must submit the following:

1. Renewal application;
2. Renewal fee;
3. Reactivation fee;
4. Annual calibration receipt;
- [5. Company certification;]*

[6.] **5.** Prior to January 2004, proof of twelve (12) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twelve (12) months from the date of application for reactivation;

[7.] **6.** Effective January 2004, proof of twenty-four (24) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twenty-four (24) months from the date of application for reactivation.

AUTHORITY: sections **346.095** and 346.115.1(7), RSMo [Supp. 1996] 2000. Emergency rule filed Oct. 28, 1996, effective Nov. 7,

1996, expired May 5, 1997. Original rule filed Nov. 6, 1996, effective May 30, 1997. Amended: Filed July 30, 2001, effective March 31, 2002. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

dollars (\$43,340) annually with a continuous annual cost savings of one thousand three hundred dollars (\$1,300) annually for the life of the rule. It is anticipated that the total savings will recur, may vary with inflation and are expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the savings of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 270-1.021 Fees. The board is proposing to amend subparagraphs (1)(A)7.A. and (1)(A)7.C.

PURPOSE: Pursuant to section 340.214, RSMo, which states the board shall by rule and regulation set the amount of fees authorized by Chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 340, RSMo. Therefore, the board is reducing the fees associated with veterinary renewal.

(1) The following fees are established by the Missouri Veterinary Medical Board:

- (A) Veterinarians—
- | | |
|---|-------------------------------------|
| 1. Registration Fee | \$50.00 |
| 2. State Board Examination Fee | \$100.00 |
| 3. Reciprocity Fee | \$150.00 |
| 4. Grade Transfer Fee | \$150.00 |
| 5. Faculty License Fee | \$200.00 |
| 6. Temporary or Provisional License Fee | \$100.00 |
| A. Temporary or Provisional License Extension | \$50.00 |
| 7. Annual Renewal Fee— | |
| A. Active | \$/100.00/ \$0.00 |
| B. Inactive | \$50.00 |
| C. Faculty | \$/100.00/ \$0.00 |
| 8. Penalty Fee | \$100.00 |
| 9. Name Change Fee | \$15.00 |
| 10. Wall Hanging Replacement Fee | \$15.00 |

AUTHORITY: sections 340.210 and 340.232, RSMo 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed March 10, 1995, effective Sept. 30, 1995. Amended: Filed Oct. 10, 1995, effective April 30, 1996. Amended: Filed Aug. 31, 1998, effective March 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to save private entities an estimated forty-three thousand three hundred forty

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 270 - Missouri Veterinary Medical Board****Chapter 1 - General Rules****Proposed Amendment - 4 CSR 270-1.021 Fees**

Prepared February 4, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual savings with compliance by affected entities
2,167	Veterinarians (renewal fees - \$20 decrease)	\$43,340.00
	Estimated Annual Savings with Compliance for the Life of the Rule	\$43,340.00 with a continuous annual savings of \$1,300

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY2003 actuals. The board estimates annual growth rate of 65 licensees annually based on a 3% growth rate. Therefore, the board estimates private entities will save \$43,340 annually with a continuous savings of \$1,300 annually for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 270-1.031 Application Procedures. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: sections 340.210, 340.228 and 340.300, RSMo [1994] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed June 7, 1995, effective Dec. 30, 1995. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Dana Hoelscher, Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

4 CSR 270-2.051 Licensure (Exception). The board is proposing to amend subsection (1)(A).

PURPOSE: This proposed amendment corrects the name of the national testing examination from the National Board Examination (NBE) and Clinical Competency Test (CCT) to its current name of the North American Veterinary Licensing Examination (NAVLE).

(1) Faculty members at an American Veterinary Medical Association (AVMA)-accredited college or university who are AVMA board-certified but did not graduate from an AVMA-accredited college of veterinary medicine may apply to the board for a veterinary license under the following conditions:

(A) Achieving a passing score as defined in 4 CSR 270-2.031 on the [National Board Examination (NBE), Clinical Competency Test (CCT)] North American Veterinary Licensing Examination (NAVLE) and Missouri State Board examinations; and

AUTHORITY: sections 340.210, [RSMo Supp. 1993 and] 340.216 and 340.230, RSMo [Supp. 1992] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

4 CSR 270-4.031 Minimum Standards for Practice Techniques. The board is proposing to add a new subsection (3)(F) and renumber the remaining subsection accordingly.

PURPOSE: This amendment adds a new section requiring veterinarians to release a written prescription for their clients to take to the pharmacy of their choice provided a valid veterinarian-patient-client relationship exists.

(3) Dispensed Drug Labeling.

(F) All clients shall have the right to receive a written prescription from their veterinarian to take to the pharmacy of their choice so long as a valid veterinarian-patient-client relationship exists.

[(F)] (G) Records shall be maintained of all medications prescribed and dispensed for any animal or group of animals in that animal's individual record or the herd owner's record. These pharmacy records may be transferred, in whole or in part, from one veterinarian to another, in writing or by telephone, at the request of the client/owner, when necessary to continue treatment or disease prevention medication started by the original attending veterinarian.

AUTHORITY: sections 340.200 and 340.210, RSMo [1994] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed March 10, 1995, effective Sept. 30, 1995. Amended: Filed Oct. 10, 1995, effective April 30, 1996. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

PROPOSED AMENDMENT

4 CSR 270-4.042 Minimum Standards for Continuing Education for Veterinarians. The board is proposing to add new subsection (8)(J), renumber the remaining subsection accordingly and amend section (9).

PURPOSE: This proposed amendment allows programs approved by or sponsored by any national, regional and specialty veterinary organizations to be automatically approved by the board and lowers the sixty (60) day prior approval of continuing education programs to thirty (30) days.

(8) Workshops, seminars and prepared materials on scientific and non-scientific subjects relating to veterinary medicine approved by or sponsored by the following organizations are approved:

(I) American Association of Veterinary State Boards (AAVSB) or its successor—Registry of Approved Continuing Education (RACE);
[and]

(J) Any national, regional and specialty veterinary organizations; and

[(J)] (K) Other programs receiving prior approval from this board.

(9) With the exception of any of the previously mentioned educational organizations, any other regularly organized group of veterinarians that wants to sponsor an educational program to meet the standards for license renewal in Missouri shall submit two (2) copies of the program schedule and outline to the board's executive director not fewer than *[sixty (60)] thirty (30)* days prior to the date of the program. The outline must include the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. The board shall review the schedule and outline to determine if approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented.

AUTHORITY: sections 340.210, 340.258 and 340.268, RSMo 2000. Original rule filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 270—Missouri Veterinary Medical Board Chapter 4—Minimum Standards

PROPOSED AMENDMENT

4 CSR 270-4.060 Minimum Standards for Supervision. The board is proposing to amend the Unregistered Assistant on the Levels of Supervision Table.

PURPOSE: This proposed amendment is to correct the name of the Unlicensed Assistant to the proper terminology of Unregistered Assistant on the Levels of Supervision Table as it is referred to in the rule. There are no other changes to this rule, except the name correction on the chart attached to this rule.

MISSOURI STATE VETERINARY MEDICAL BOARD
REQUIRED LEVELS OF SUPERVISION[illegible]

AUTHORITY: sections 340.210, 340.222 and 340.326, RSMo 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 270—Missouri Veterinary Medical Board Chapter 7—Disciplinary Proceedings

PROPOSED AMENDMENT

4 CSR 270-7.010 Public Complaint Handling and Disposition Procedure. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: sections 340.210 and 340.282, RSMo [Supp. 1992] 2000 and 620.010.15., RSMo Supp. [1990] 2001. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Dana Hoelscher, Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 90—Vocational Rehabilitation Chapter 4—General Administrative Policies

PROPOSED AMENDMENT

5 CSR 90-4.410 Informal Review. The State Board of Education is proposing to amend section (4).

PURPOSE: This amendment revises the number of days in which a hearing must be conducted after a hearing request has been received to be consistent with federal regulations.

(4) If the informal review is not successful, a formal due process hearing will be conducted within [forty-five (45)] sixty (60) days

from the applicant or eligible individual's written request for informal review unless both parties agree to a specified time extension.

AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo [1994] 2000. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 90—Vocational Rehabilitation Chapter 4—General Administrative Policies

PROPOSED AMENDMENT

5 CSR 90-4.420 Due Process Hearing. The State Board of Education is proposing to amend section (4).

PURPOSE: This amendment revises the number of days in which a hearing must be conducted after a hearing request has been received to be consistent with federal regulations.

(4) A hearing will be held within [forty-five (45)] sixty (60) days of the request unless a party requests a specified time extension.

AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo [1994] 2000. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 90—Vocational Rehabilitation Chapter 5—Vocational Rehabilitation Services

PROPOSED AMENDMENT

5 CSR 90-5.410 Fees. The State Board of Education is proposing to amend section (1) and add a new subsection (1)(D).

PURPOSE This amendment clarifies the amount of fees to be reimbursed.

(1) Certain fees may be paid by the Division of Vocational Rehabilitation (DVR). However, if the usual and customary fee charged for the service is less than an amount listed, the usual and customary fee is the maximum that will be paid. No additional monies can be collected from the applicant or eligible individual. The fees are as follows:

(A) Hospitalization Fees/—/: Daily per diem rate established by Missouri Medicaid;

(B) Surgical and Medical Fees/—/: Medicare formula for surgery and related services **as approved by the assistant commissioner of DVR or if the service is not covered by Medicare then the rate will be the usual and customary fee as approved by the assistant commissioner of DVR;**

(C) [Medical and] Psychological Diagnostic Fees/—/: Usual and customary fees as approved by the assistant commissioner of DVR;

(D) Dental Fees: Missouri Medicaid rates **as approved by the assistant commissioner of DVR or if the service is not covered by Medicaid then the rate will be the usual and customary fee as approved by the assistant commissioner of DVR;**

[(D)] (E) Community Rehabilitation and Supported Employment Programs/—/: Evaluation of a cost analysis report for each program with the fees approved by the assistant commissioner of DVR; and/or

[(E)] (F) Interpreter Services/—/: Usual and customary fees approved by the assistant commissioner of DVR.

AUTHORITY: sections 161.092, **RSMo Supp. 2002** and 178.600, 178.610 and 178.620, **RSMo [1994] 2000**. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities two hundred seventy-four thousand eight hundred thirty-two dollars (\$274,832) in the aggregate for Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	5 CSR 90-5.410 Fees
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,505	Medical Services - Hospitals, Clinics, Doctors	\$274,832 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET**Surgical and Medical Fees:**

\$966,921	Funding expended by Vocational Rehabilitation in FY02 for covered medical fees
<u>-5692,089</u>	Less amount for those services if maximum Missouri Medicare rate was used
\$274,832	Savings in Vocational Rehabilitation case service expenditures

IV. ASSUMPTIONS

For those medical procedures covered by Medicare, the cost of these services would be at the maximum Missouri Medicare rate.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 90-5.420 Maintenance and Transportation. The State Board of Education is proposing to amend subsections (1)(A) and (2)(A).

PURPOSE: This amendment clarifies when an individual is eligible for maintenance.

(1) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals regardless of financial need:

(A) Maintenance when required to enable the applicant or eligible individual **required to leave their domicile and relocate forty-five (45) miles or more** to participate in diagnostic evaluation/services; and/or

(2) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need. Exceptions may be made if the individual will suffer economic hardship.

(A) Maintenance (noon meals, personal maintenance, placement maintenance, room and board) may be authorized in association with an eligible individual's Individualized Plan for Employment (IPE) when **the eligible individual is required to leave their domicile and relocate forty-five (45) miles or more and it is necessary for the eligible individual to receive services.**

1. Maintenance may be paid if the actual time required for the service is twenty (20) or more hours per week or the actual time required for the service is less than twenty (20) hours per week and the service is not available within **the forty-five (45) miles** commuting distance of the eligible individual's home.

2. An eligible individual, considered as either independent or dependent in the family household, *[within commuting distance (approximately forty-five (45) miles)] who is required to leave their domicile and relocate forty-five (45) miles or more*, may receive two dollars and fifty cents (\$2.50) maximum per day for lunch. An eligible individual considered as independent in the family household, **who is required to leave their domicile and relocate forty-five (45) miles or more**, may receive up to an additional fifteen dollars (\$15) maximum per week if the Division of Vocational Rehabilitation (DVR) can establish a strong economic need. Exceptions may be made if the individual will suffer economic hardship under the plan and there are no available financial resources.

3. Personal maintenance up to ten dollars (\$10) per week, may be authorized for eligible individuals who are considered an independent in the family household and required to *[live away from home. Eligible individuals considered family dependent or eligible individuals remaining in the household within commuting distance will not qualify for personal maintenance]* **leave their domicile and relocate forty-five (45) miles or more.**

4. Placement maintenance may be authorized for a period not to exceed four (4) weeks in association with an IPE **for those eligible individuals who are required to leave their domicile and relocate forty-five (45) miles or more.** This plan should include an emphasis in specific job seeking activities. Placement maintenance may be authorized for a period not to exceed four (4) weeks if the individual is employed or until the individual receives a paycheck (whichever period is shorter).

5. Room and board during college training, up to the amount of the dormitory fees at the nearest Missouri tax supported college, may be authorized *[if an eligible individual lives beyond commuting*

distance] for those eligible individuals who are required to leave their domicile and relocate forty-five (45) miles or more.

6. *[Noon meals]* Maintenance will not be paid during holiday breaks, absences, or vacations during the eligible individual's plan except *[when an individual lives away from the family household to receive services or]* when failure to pay maintenance would jeopardize the planned services.

7. DVR will not authorize maintenance for correspondence or tutorial training, or during convalescent care or hospitalization.

AUTHORITY: sections 161.092, *RSMo Supp. 2002* and 178.600, 178.610 and 178.620, *RSMo [1994] 2000*. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed March 27, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities \$2,631,794 in the aggregate for the Fiscal Year 2004 with the cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	5 CSR 90-5.420 Maintenance and Transportation
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6,399	Individuals with disabilities - Vocational Rehabilitation clients	\$2,631,794 for the FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

\$4,764,794 maintenance paid in FY02 to 7,110 clients

Approximately 10% of the 7,110 clients attend training away from their domicile – 711 students

Number of students proposed amendment would impact: $7,110 - 711 = 6,399$ students

Cost: $711 \text{ students} \times \$500 \text{ cost of maintenance per month} \times 6 \text{ months} = \$2,133,000$

Savings in Vocational Rehabilitation case costs:

$\$4,764,794 \text{ maintenance paid} - \$2,133,000 \text{ new cost} = \$2,631,794$

IV. ASSUMPTIONS

- Maintenance will only be provided for clients who have to leave their domicile and relocate (45 miles or further) to participate in services.
- Lunch money, meal tickets and placement maintenance will only be provided for those clients who are required to relocate.
- For those clients who need to relocate, monthly allowable maintenance for clients living off campus will be calculated on a monthly rate equal to the dorm rates.
- Estimated monthly cost of students who relocate are \$500 per month for an average of six (6) months.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED AMENDMENT

5 CSR 90-5.440 Training. The State Board of Education is proposing to amend subsection (1)(A), paragraph (1)(A)9. and add subparagraph (1)(A)5.A.

PURPOSE: This amendment clarifies the amounts paid for training.

(1) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 60-900.050 may be provided to eligible individuals based upon financial need:

(A) College, vocational, or proprietary training at an accredited institution may be provided to assist eligible individuals in reaching objectives that are within the scope of their functional limitations, interests, aptitudes and abilities.

1. Eligible individuals must be enrolled in and satisfactorily complete courses that constitute a normal course load for full-time students unless circumstances as approved by the Division of Vocational Rehabilitation (DVR), indicate a need for a reduced course load.

2. Colleges, universities, vocational or proprietary schools must comply with the provisions found in 5 CSR 60-900.050.

3. For eligible individuals enrolled in a Missouri tax supported two (2) or four (4) year college, the cost of education for freshman and sophomore years of college will be calculated at the nearest Missouri community college rate or the Missouri four (4) year college, whichever is less, within a forty-five (45) miles commuting distance. For those areas which do not have a Missouri community college within forty-five (45) miles, but have a Missouri state supported four (4) year college in their local area, the calculation will be based on that state supported four (4) year college rate.

[3.] 4. For eligible individuals enrolled in private or proprietary degree colleges or certificate programs in Missouri, the cost of the education is based upon the nearest Missouri tax supported two (2) or four (4) year college appropriate for the eligible individual to reach their vocational objective. Eligible individuals enrolling in the freshman and sophomore year of college will receive services calculated at the nearest Missouri community college rate, within a forty-five (45) mile commuting distance. For those areas which do not have a Missouri community college within forty-five (45) miles, but have a Missouri state supported four (4) year college in their local area, the calculation will be based on that state supported four (4) year college rate. This includes all primary rehabilitation services (e.g. tuition and fees) and secondary rehabilitation services (e.g. maintenance, transportation, books and supplies) which are determined to be necessary for the eligible individual to attend college or certificate programs. The following are exceptions:

A. The specific job objective which the individual is seeking is not available at the nearest Missouri tax supported two (2) or four (4) year college; and/or

B. The nearest Missouri tax supported two (2) or four (4) year college does not provide appropriate services for the individual's disability-related needs.

[4.] 5. [Division of Vocational Rehabilitation's maximum rate of authorization for out-of-state college tuition is based upon the lesser of the hourly rate at the University of Missouri-Columbia (updated annually) or the hourly rate of the particular out-of-state college.] For eligible individuals enrolled in out-of-state colleges or certificate programs, the cost of the education is based upon the lesser of the hourly rate at the nearest Missouri tax supported two (2) or four (4) year college or

the hourly rate of the particular out-of-state college appropriate for the eligible individuals to reach their vocational objective. This amount may be applied to any of the eligible individual's educational cost(s). For out-of-state colleges any grants, aid, loans, and/or work-study awarded will be used to reduce the individual's participation in the educational costs.

A. Division of Vocational Rehabilitation's maximum rate of authorization for out-of-state college tuition is calculated at the nearest Missouri community college rate, within a forty-five (45) mile commuting distance from the individual's permanent domicile for the freshman and sophomore years. For those areas which do not have a Missouri community college within forty-five (45) miles from the individual's permanent domicile, the calculation will be based upon the nearest Missouri state supported four (4) year college.

[5.] 6. Any change in vocational goals involving college, vocational, or proprietary training must be agreed to and signed by the individual and approved by DVR.

[6.] 7. The eligible individual is responsible for the cost of the tuition and/or required textbooks when courses are dropped, withdrawn and/or retaken due to poor grades, unless the eligible individual's reason for withdrawing, dropping and/or failing a course is disability-related or a credit or refund has been obtained.

[7.] 8. The individual and/or parents must complete DVR's Financial Application. The individual and/or parents must apply for all applicable federal grants and campus financial aid. If an individual is awarded any grant(s) and attends an in-state college, the grant(s) will be used to reduce DVR's participation in the educational costs.

A. If an individual attends a Missouri public, private or proprietary degree program, all federal grants and aid must be used to reduce agency participation in the educational costs.

B. If the individual participates in a work-study program or obtains student loans, money received from either may be used for educational costs not covered by DVR.

C. If an individual attends an out-of-state college or university, all federal grants and aid may be used to pay for educational costs which exceed DVR's level of funding.

[8.] 9. The eligible individual is responsible for the cost of tuition, books and supplies for elective courses that do not specifically apply to the eligible individual's degree or program.

[9.] 10. The eligible individual must acquire and maintain at least a minimum grade point average of 2.0 (based on a [four (4)] 4.0 scale) or a 3.0 (based on a [five (5)] 5.0 scale).

[10.] 11. The eligible individual shall provide a grade report after each semester, quarter, trimester, etc., that documents hours taken, hours completed, grades for each course and grade point average;

AUTHORITY: sections 161.092, RSMo Supp. 2002 and 178.600, 178.610 and 178.620, RSMo 2000. Original rule filed Dec. 17, 1999, effective Aug. 30, 2000. Amended: Filed Dec. 7, 2000, effective July 30, 2001. Amended: Filed March 27, 2003.

PUBLIC COST: This proposed amendment is estimated to cost public tax supported four (4) year colleges seven hundred ninety-six thousand three hundred fifteen dollars (\$796,315) in the aggregate for the Fiscal Year 2004 with that cost recurring for the life of the rule.

PRIVATE COST: This proposed amendment is estimated to cost private entities, the proprietary schools/institutions, \$1,149,578 in the aggregate for the Fiscal Year 2004 with that cost recurring for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education,

*Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	5 CSR 90-5.440 Training
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
4 Year Colleges / Universities	\$796,315 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

College Students – 4 year vs. 2 year

FY02 – 1,109 students attended in 4-year institutions costing \$2,654,383

60% - 665 are freshman and sophomores costing \$1,592,630

Cost saving for Vocational Rehabilitation:

$$\$1,592,630 \times 50\% \text{ (4-yr vs. 2-yr tuition cost)} = \$796,315$$

IV. ASSUMPTIONS

- New clients enrolling in freshman and sophomore year of college will receive services calculated based on the nearest community college rate.
- For those areas which do not have a community college within commuting distance (45 miles or further) but have a state-supported 4-year college in their local area, the calculation is based on the state-supported 4-year college rate.
- Sixty percent (60%) of the students in 4-year institutions are freshman and sophomores.
- Two-year community colleges tuition average half that of tuition at four-year universities.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	5 CSR 90-5.440 Training
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
21	Proprietary schools / institutions	\$1,149,578 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

Proprietary Schools vs. Community Colleges

FY02 -- 1,355 students attended proprietary institutions costing \$6,897,466

25% - 339 students cost of attending proprietary institutions - \$1,724,367

Cost of those students if attending community colleges - \$574,789

Cost savings for Vocational Rehabilitation: $\$1,724,367 - \$574,789 = \$1,149,578$

IV. ASSUMPTIONS

- If Certificate and Associate degree programs at proprietary schools are also available at the area community colleges and lead to comparable employment outcomes, then cost is calculated at the community college rate.
- Twenty-five percent (25%) of students attending proprietary institutions could attend community colleges to fulfill education requirement to meet their employment goal.
- Proprietary schools costs average three times that of community college costs.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

PROPOSED RULE

9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA)

PURPOSE: This rule alerts providers to the possible HIPAA Privacy Rule requirements if the provider has determined that it is a covered entity as defined by HIPAA. Once that is established, this rule lists policies and procedures that the HIPAA Privacy Rule requires for each covered entity.

(1) This rule applies to all programs licensed, certified or funded by the Department of Mental Health.

(2) Definitions.

(A) HIPAA: the Health Insurance Portability and Accountability Act of 1996 (45 CFR parts 160 and 164) as it relates to Privacy.

(B) Protected Health Information (PHI): As defined by HIPAA (45 CFR section 164.501), PHI is individually identifiable health information that is—

1. Transmitted by electronic media;
2. Maintained in any medium described in the definition of electronic media; or
3. Transmitted or maintained in any other form or medium.

(C) Individually identifiable health information: As defined by HIPAA (45 CFR section 160.103), individually identifiable health information is any information, including demographic information, collected from an individual that is—

1. Created or received by a healthcare provider, health plan, employer, or healthcare clearinghouse; and
2. Related to the past, present, or future physical or mental health or condition of an individual; the provision of healthcare to an individual; or the past, present, or future payment for the provision of healthcare to an individual, and which identifies the individual, or with respect to which there is reasonable basis to believe that the information can be used to identify the individual.

(D) Business associate: As defined by HIPAA (45 CFR section 160.103), a person who, on behalf of the covered entity or provider or of an organized healthcare arrangement in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs, or assists in the performance of:

1. A function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or

2. Any other function or activity regulated by this subchapter; or provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized healthcare arrangement in which the covered entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

(3) All providers who determine that they qualify as covered entities must comply with the provisions of the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). A covered entity is defined as a healthcare provider, a health plan or a clearinghouse. The effective date of the Privacy Rule is April 14, 2003. IF this provider is a covered entity, THEN HIPAA requires the

appropriate policies and procedures be in place to comply with the HIPAA Privacy Rule. HIPAA requires such policies and procedures to include, but not be limited to, the following topics: Notice of Privacy Practices, Amendment of Protected Health Information (PHI), Client Access to PHI, Accounting of Disclosures, Workforce Training, Verification, Authorization for Disclosures of PHI, HIPAA Complaint Process, Marketing (if applicable), Research (if applicable), Audit and Monitoring of HIPAA compliance, and Business Associates Agreements with those companies providing goods and services which require the disclosure of PHI, etc. Where existing confidentiality protections provided by 42 CFR part 2, related to the release of alcohol and drug abuse records, are greater than HIPAA, then the department anticipates that the provider will consider any such provision of 42 CFR part 2 as the guiding law.

AUTHORITY: section 630.050, RSMo 2000. 45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996. Emergency rule filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. Original rule filed April 1, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Ann Dirks-Linhorst, Department of Mental Health, Office of Quality Management, PO Box 687, Jefferson City, MO 65102. To be considered, comments must in writing and must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs**

PROPOSED AMENDMENT

9 CSR 10-7.090 Governing Authority and Program Administration. The department proposes to add a new section (6).

PURPOSE: This amendment will advise agencies subject to this rule of certain federal regulations related to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(6) Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Regulatory Compliance. The organization must comply with other applicable requirements as set forth in 9 CSR 10-5.220.

AUTHORITY: sections 630.050 and 630.055, RSMo 2000. 45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996. Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Emergency amendment filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Julie Carel, Department of Mental Health, Division of Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered, comments must in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 30—Certification Standards
Chapter 3—Alcohol and Drug Abuse Programs**

PROPOSED AMENDMENT

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs. The department proposes to add a new paragraph (3)(A)17.

PURPOSE: This amendment will advise agencies subject to this rule of certain federal regulations related to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(3) Other Rules and Standards. In addition to standards for specific programs and services, the organization must comply with other applicable requirements.

(A) The following Core Rules for Psychiatric and Substance Abuse Programs must be met, unless otherwise stipulated in standards for specific programs and services:

1. 9 CSR 10-7.010 Treatment Principles and Outcomes;
2. 9 CSR 10-7.020 Rights, Responsibilities and Grievances;
3. 9 CSR 10-7.030 Service Delivery Process and Documentation;
4. 9 CSR 10-7.040 Quality Improvement;
5. 9 CSR 10-7.050 Research;
6. 9 CSR 10-7.060 Behavior Management;
7. 9 CSR 10-7.070 Medications;
8. 9 CSR 10-7.080 Dietary Services;
9. 9 CSR 10-7.090 Governing Authority and Program Administration;
10. 9 CSR 10-7.100 Fiscal Management;
11. 9 CSR 10-7.110 Personnel;
12. 9 CSR 10-7.120 Physical Plant and Safety;
13. 9 CSR 10-7.130 Procedures to Obtain Certification;
14. 9 CSR 10-7.140 Definitions;
15. 9 CSR 10-5.190 Criminal Record Review; *[and]*
16. 9 CSR 10-5.200 Report of Complaints of Abuse and Neglect./; and
17. 9 CSR 10-5.220 Health Insurance Portability and Accountability Act of 1996 (HIPAA).

AUTHORITY: sections 302.540, RSMo Supp. 2002 and 630.050, 630.655 and 631.102, RSMo 2000. **45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996.** Original rule filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed March 8, 2002, effective Sept. 30, 2002. Emergency amendment filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Dewey Price, Department of Mental Health, Division of Alcohol and

Drug Abuse, PO Box 687, Jefferson City, MO 65102. To be considered, comments must in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards**

PROPOSED AMENDMENT

9 CSR 45-5.060 Procedures to Obtain Certification. The department proposes to add a new section (14).

PURPOSE: This amendment will advise agencies subject to this rule of certain federal regulations related to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

(14) The organization must comply with other applicable requirements as set forth in 9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA).

AUTHORITY: sections 630.050 and 630.655, RSMo 2000. **45 CFR parts 160 and 164, the Health Insurance Portability and Accountability Act of 1996.** Emergency rule filed Feb. 13, 2002, effective March 1, 2002, expired Aug. 27, 2002. Original rule filed Feb. 13, 2002, effective Aug. 30, 2002. Emergency amendment filed April 1, 2003, effective April 14, 2003, expires Oct. 14, 2003. Amended: Filed April 1, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Donna Haley, Department of Mental Health, Division of Psychiatric Services, PO Box 687, Jefferson City, MO 65102. To be considered, comments must in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes**

PROPOSED AMENDMENT

10 CSR 25-12.010 Fees and Taxes. The commission is amending subsections (1)(D) and (1)(E).

PURPOSE: Section 260.479, RSMo establishes the category tax paid by generators of hazardous waste, including minimum annual amounts, individual site caps, and a company cap. Currently the minimum annual amount is fifty-one dollars and twenty-eight cents (\$51.28), the individual site caps are forty-one thousand and twenty dollars (\$41,020) or eighty-two thousand forty dollars (\$82,040) annually depending on the waste disposal method used, and the company cap is eighty-two thousand forty dollars (\$82,040) annually. The Missouri Hazardous Waste Management Commission is authorized to increase these amounts annually, via the rulemaking process, by as much as 2.55% and has proposed this amendment to effect the rate increase for the December 2003 billings which are calculated on

waste generated and/or shipped off-site from July 1, 2002 through June 30, 2003.

The commission proposes to amend 10 CSR 25-12.010(1)(D) and (1)(E) by increasing the hazardous waste generator category tax rates, minimum and maximums by 2.55%. Subsections (1)(A) through (1)(C) and sections (2) through (5) are not proposed for amendment.

(1) Hazardous Waste Fees and Taxes Applicable to Generators of Hazardous Waste.

(D) An individual generator required to register in accordance with 10 CSR 25-5.262 shall pay a tax based on the volume by weight and management method in accordance with subsection (1)(E) of this rule and as required by section 260.479, RSMo. Sixty percent (60%) of revenues collected from this tax shall be transmitted by the department to the Missouri Department of Revenue for deposit in the hazardous waste remedial fund and forty percent (40%) of revenues collected from this tax shall be deposited in the hazardous waste fund. The tax will be based on the volume of hazardous waste generated and the management method utilized beginning on July 1 of the year preceding the billing year and through June 30 of the billing year. A company shall not annually pay more than *[eighty-two thousand forty dollars (\$82,040)]* **eighty-four thousand one hundred thirty-two dollars (\$84,132)** collectively for all combined plant sites under the provisions of this subsection unless the company also has a facility utilizing blended hazardous waste fuel, nor shall a generator who is required to register in accordance with 10 CSR 25-5.262 pay less than *[fifty-one dollars twenty-eight cents (\$51.28)]* **fifty-two dollars and fifty-nine cents (\$52.59)** annually. However, as outlined in subdivision 260.479.2(2), RSMo these minimum and maximum amounts may be adjusted annually by the commission by up to 2.55%.

1. The following hazardous wastes are exempted from this tax:

A. Any hazardous wastes generated by the state and any political subdivision of the state;

B. Waste oil;

C. Any hazardous waste generated by a person who qualifies as a conditionally exempt generator due to the quantity of waste generated in one (1) month or accumulated at one (1) time as specified under 10 CSR 25-3.260(1)(A)25.; and

D. Hazardous wastes legitimately discharged into a publicly-owned treatment works and exempted in 10 CSR 25-4.261. (Comment: This exclusion does not exclude sludges that are hazardous waste and are generated by industrial wastewater treatment.)

2. This tax shall not be imposed upon the following hazardous waste: hazardous waste fuel produced from hazardous waste by processing, blending or other treatment; hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site under sections 260.435–260.550, RSMo or as part of a remedial plan required under sections 260.350–260.434, RSMo; or smelter slag waste from the processing of materials into reclaimed metals.

A. Beginning with the billing sent out in December 2001 for hazardous waste generated July 1, 2000 through June 30, 2001, the exemption for hazardous waste fuel produced from hazardous waste by processing, blending or other treatment shall be removed in accordance with subdivisions 260.479.5, RSMo and 260.479.7, RSMo. However, this tax on hazardous waste fuel shall be assessed upon and paid by the facility utilizing such hazardous waste fuel as a substitute for other fuel. The tax shall be assessed and paid based upon the reporting year in which the hazardous waste fuel is received by the facility. No individual facility utilizing hazardous waste fuel shall pay more than *[eighty-two thousand forty dollars (\$82,040)]* **eighty-four thousand one hundred thirty-two dollars (\$84,132)** annually as a facility utilizing blended hazardous waste fuel; however, this amount is in addition to the potential *[eighty-two thousand forty dollar (\$82,040)]* **eighty-four thousand one hundred thir-**

ty-two dollar (\$84,132) company cap which these facilities may be subject to as a generator of hazardous waste.

(E) A generator who is not otherwise exempted by paragraph (1)(D)1., 2. or 3. of this rule shall pay a tax in each of the applicable subdivisions.

1. SUBDIVISION A—TAX.

A. A generator who manages hazardous waste by on-site storage that requires a permit in accordance with 10 CSR 25-7.264 or interim status in accordance with 10 CSR 25-7.265 or off-site storage that is not in conjunction with incineration, resource recovery, treatment or any other similar management method and a generator utilizing a disposal facility shall use the following formula to calculate his/her tax for hazardous waste generated from each state fiscal year, July 1 of each year through June 30 of the following year. (Note: A disposal facility means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and, at which, the waste will remain after closure.)

B. Tax in subdivision A = $(\frac{[\$22.36]}{\$22.93} + \frac{[\$.081926]}{\$.084015} \times \text{number of tons generated}) \times (.90785 \times \text{number of tons generated})$. No individual site shall pay more than *[eighty-two thousand and forty dollars (\$82,040)]* **eighty-four thousand one hundred thirty-two dollars (\$84,132)** annually for subdivision A waste.

2. SUBDIVISION B—TAX.

A. A generator who utilizes a management technique not included in subdivision A shall use the following formula to calculate his/her tax for hazardous waste generated during the state fiscal year.

B. Tax in subdivision B = $(\frac{[\$11.18]}{\$11.47} + \frac{[\$.040963]}{\$.042008} \times \text{number of tons generated}) \times (.90785 \times \text{number of tons generated})$. No individual site shall pay more than *[forty-one thousand twenty dollars (\$41,020)]* **forty-two thousand sixty-six dollars (\$42,066)** annually for subdivision B waste.

3. TOTAL—TAX.

A. The total tax for a generator is the applicable tax in subdivision A plus the applicable tax in subdivision B. No company shall pay annually more than *[eighty-two thousand forty dollars (\$82,040)]* **eighty-four thousand one hundred thirty-two dollars (\$84,132)** or less than *[fifty-one dollars and twenty-eight cents (\$51.28)]* **fifty-two dollars and fifty-nine cents (\$52.59)** under subsection (1)(E) unless they are also a facility utilizing blended hazardous waste fuel.

B. The billing of each year will be based on information submitted by generators and facilities on the quarterly manifest summary reports required at 10 CSR 25-5.262(2)(D)1., 10 CSR 25-7.264(2)(E)3. and 10 CSR 25-7.265(2)(E). The billing will be based on waste generated during the previous state fiscal year.

AUTHORITY: sections 260.370, 260.380, 260.390, 260.391, 260.395, 260.437 and 260.479, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 27, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This amendment is estimated to cost private entities thirty-eight thousand seven hundred ninety-three dollars (\$38,793) in the next fiscal year and annually thereafter. A detailed fiscal note with the relevant cost information has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action beginning at 9:00 a.m. on June 10, 2003 at the Missouri Department of Natural Resources

St. Louis Regional Office, 7545 S. Lindbergh Boulevard, Suite 210, St. Louis, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on May 30, 2003. Faxed or e-mailed correspondence will not be accepted. Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 20, 2003. Faxed or e-mailed correspondence will not be accepted. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Hazardous Waste Fees & Taxes

Division: 25-Hazardous Waste Management Commission

Chapter: 12-Hazardous Waste Fees & Taxes

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 25-12.010 - Fees & Taxes

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities ³ :
441	Large Quantity Generators ¹	\$35,884
2,463	Small Quantity Generators ²	\$2,909
		Total Annual Aggregate Cost of Compliance³: \$38,793

¹The number of entities shown is the total number of current, active registrations classified as Large Quantity Generators.

²The number of entities shown is the total number of current, active registrations classified as Small Quantity Generators.

³Because the duration of this rule is unknown, an annual aggregate cost of compliance is provided

III. WORKSHEET

1. Total Category Tax collected to date & anticipated collection on outstanding bills for reporting year FY2002 is \$2,544,000.
2. The proposed increase will result in a total Category Tax increase anticipated at about \$64,872.
3. Based on FY01 payments, Missouri generators are expected to pay about 59.8% of total collected for FY02, or about \$1,521,312.
4. The proposed increase is expected to result in Missouri generators paying an additional \$38,793.
5. Because of the progressive nature of the Category Tax formula, Large Quantity Generators will pay about 92.5% of the increase or \$35,884 and Small Quantity Generators will be about \$2,909 or 7.5% of the increase. These percentages are from actual collections to date for FY01 billings.

IV. ASSUMPTIONS

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys

PROPOSED AMENDMENT

10 CSR 30-2.020 Definitions. The board is proposing to delete section (2) and amend and renumber sections (2)–(15).

PURPOSE: The purpose for making changes is to clarify, edit and revise the definitions for sections (4)–(7) and (10)–(16).

[[2)] **Class of Property.**

(A) *Rural property*—Any property that is not urban or suburban that is used for the production of crops, livestock or minerals, or used as parks, forest or similar use.

(B) *Suburban property*—Any property which is not urban property that is or is intended to be primarily used for residential purposes or property lying between residential areas whose value is influenced by the presence of such nearby developed real estate.

(C) *Urban property*—Any property wholly or partly within the corporate limits of any city, town or village, and any commercial and industrial properties, condominium properties, town houses, apartments, and other multi-unit developments.]

[[3)] **(2) Controlling corners/.:** Controlling corners are the corners that determine the location of the record title boundary.

[[4)] **(3) Exterior corners:** Exterior corners of a parcel are the corners that define the shape and size of the parcel.

[[5)] **(4) [Legal] Property description/.:** A property description is [A] a description of real property by government survey, metes and bounds, or lot numbers of record. The description must be complete enough so a particular parcel of land can be located and identified.

[[6)] **(5) Linear error of closure:** Linear error of closure is the square root of the sum of the squares of the error in north coordinates (Y) and in east coordinates (X).

[[7)] **(6) [Material variations, whether between surveyed lines and lines of possession, or between record and measured distances or directions are variations so substantial and important that they would influence a reasonably prudent and otherwise knowledgeable person when making decisions in reliance upon the survey.] Material variations:** Material variations are those differences between surveyed lines and lines of possession or measurements called for in the record source of the property being surveyed that are, in the professional judgement of the surveyor, substantial and important to the location of the subject survey.

[[8)] **(7) Physical monument/.:** The term physical monument refers to both natural and artificial physical objects which are accepted and used to mark boundaries and corners.

[[9)] **(8) Property boundary surveys/.:**

(A) A condominium survey is a survey executed to create and define condominium property in accordance with Chapter 448, RSMo.

(B) An original survey is a survey which creates a new parcel out of a large parent tract, for the purpose of conveying the new parcel. Boundary adjustment plats, consolidation plats, riparian plats, lot splits, and minor subdivisions are examples of original surveys.

(C) A resurvey is a survey executed to remark, reestablish, restore or delineate the boundary line or corners of a parcel previously created by a deed, survey or subdivision.

(D) A subdivision survey is the partitioning of land into two (2) or more parcels by platting the divisions of land in accordance with Chapter 445, RSMo and per the appropriate platting procedures, and from which parcels are then sold by reference to the plat of record.

[[10)] **(9) Radial survey measurement tolerance:** Radial survey measurement tolerance is the computed expected relative accuracy of any distance determined by radial surveying methods. It is computed using an analysis of component distance and direction errors.

[[11)] **(10) Radial survey method:** Radial survey method is the determination of the coordinate values of points by measuring directions and distance from a central point as opposed to determination of the coordinates of points by traverse. The determination of coordinates by “side shots” from a closed traverse is not considered a radial surveying method.

[[12)] **(11) Record title boundaries:** Record title boundaries are the boundaries of the real estate described in the title of record.

[[13)] **(12) Relative position tolerance:** Relative position tolerance is the relative accuracy between all **directly connected** pairs of points in a survey. In practice it is computed for a sampling of pairs of points using either an analysis of component distance and direction errors or from a minimally constrained, correctly weighted least squares adjustment.

[[14)] **(13) Title of record:** Title of record/. is [A] a title to real estate, evidenced and provable by one (1) or more conveyances or other instruments all of which are duly entered on the public records.

[[15)] **(14) Traverse closure:** Traverse closure is the linear error of closure of the traverse computed either from an analysis of the component distance and direction errors or from the actual traverse measurements.

[[16)] **(15) United States Public Land Survey Corners:** United States Public Land Survey Corners/. *Corners of the United States Public Land Survey* are those points that determine the boundaries of the various subdivisions represented on the official government plat such as the township corner, the section corner, the quarter-section corner, blank quarter-section corners, center of section, fractional-section corners, grant corner and meander corner.

AUTHORITY: sections 60.510(7), [and] 60.550, [RSMo 1986 and] 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys

PROPOSED AMENDMENT

10 CSR 30-2.030 General Land Surveying Requirements. The division is amending sections (1) and (3).

PURPOSE: The purpose for the revision of subsection (3)(I) is to add the source of the vertical datum to the plat. The purpose for the revision of paragraph (3)(I)1. is to move from the definitions section of Urban, Suburban and Rural Property Accuracies to the General Land Surveying Requirements, Publication of Results Section. The purpose for the revision to subsection (3)(P) is to add the requirement for identifying title documents of adjoining properties to the final plat.

(1) Research and Investigation.

(A) Every survey executed shall be based on the *[legal]* property description of the parcel or parent tract taken from the title of record. This *[legal]* property description should be provided by the client.

(3) Publication of Results. A plat shall be made showing the results of the survey and a signed and sealed copy of the plat shall be furnished to the client. This survey plat shall conform to all of the following provisions, where applicable:

(F) A *[prominent]* north arrow shall be drawn on every sheet~~;~~ containing graphic survey data;

(I) All vertical dimensions shall be shown by elevations above an established or assumed datum~~;~~ and the source of the established or assumed datum shall be defined on the plat. Vertical dimensions shall be made at the same accuracy standard as property boundary surveys.

1. Type Urban Property Accuracy shall be one-tenth (0.10) of a foot or 1:20,000 for distances greater than two thousand feet (2,000') and shall apply to any property that is wholly or partly within the corporate limits of any city, town or village, and any commercial and industrial property, condominium property, town house property, apartments, and other multi-unit developments.

2. Type Suburban Property Accuracy shall be one-tenth (0.10) of a foot or 1:10,000 for distances greater than one thousand feet (1,000') and shall apply to any property that is not Urban Property, that is or is intended to be primarily used for residential purposes or property lying between residential areas whose value is influenced by the presence of such nearby developed real estate.

3. Type Rural Property Accuracy shall be two-tenths (0.20) of a foot or 1:5,000 for distances greater than one thousand feet (1,000') and shall apply to all property that is not Urban Property or Suburban Property;

[(O) The class of property shall be noted on the plat; and]

[[P]] (O) Any material variation between measured and record dimensions shall be noted on the plat~~;~~; and

(P) The plat shall identify title documents for adjoining properties, as they appear of record, consistent with the research and investigation provisions of these standards. The source of said title documents shall be shown, preferably by recording book and page reference of the county records.

AUTHORITY: sections 60.510(7), *[and]* 60.550, *[RSMo 1986 and]* 448.2-109, *RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys

PROPOSED AMENDMENT

10 CSR 30-2.040 Accuracy Standards for Property Boundary Surveys. The board is amending sections (1)–(5).

PURPOSE: The purpose of the revision to section (5) is to place the accuracy standards definitions for different types of property as part of the relative positional traverse closure.

(1) The surveyor shall select the proper equipment and method necessary to achieve either the required relative position tolerance, required radial survey measurement tolerance or required traverse closure.

[[2]] (A) If the computed relative position tolerance is greater than the required relative position tolerance, the survey shall be considered unacceptable and shall be remeasured.

[[3]] (B) If the computed traverse closure is greater than the required traverse closure, the traverse shall be considered unacceptable and shall be remeasured.

[[4]] (C) When radial survey methods are used, it is the responsibility of the surveyor to provide sufficient checks to insure that the relative positional tolerance of all points is not greater than that required in this regulation.

[[5]] The required relative position tolerance, and traverse closure at sixty-eight percent (68%) confidence level shall be—
For urban property: one-tenth of a foot (0.10') or 1:20,000 for distances greater than two thousand feet (2000');
Suburban property: one-tenth of a foot (0.10') or 1:10,000 for distances greater than one thousand feet (1000');
Rural property: two-tenths of a foot (0.20') or 1:5,000 for distances greater than one thousand feet (1000').]

(2) The required relative position tolerance and traverse closure at sixty-eight percent (68%) confidence level shall be for:

(A) Type Urban Property Accuracy shall be one-tenth (0.10) of a foot or 1:20,000 for distances greater than two thousand feet (2,000') and shall apply to any property that is wholly or partly within the corporate limits of any city, town or village, and any commercial and industrial property, condominium property, town house property, apartments, and other multi-unit developments.

(B) Type Suburban Property Accuracy shall be one-tenth (0.10) of a foot or 1:10,000 for distances greater than one thousand feet (1,000') and shall apply to any property that is not Urban Property, that is or is intended to be primarily used for residential purposes or property lying between residential areas whose value is influenced by the presence of such nearby developed real estate.

(C) Type Rural Property Accuracy shall be two-tenths (0.20) of a foot or 1:5,000 for distances greater than one thousand feet

(1,000') and shall apply to all property that is not Urban Property or Suburban Property.

AUTHORITY: sections 60.510(7), [and] 60.550, [RSMo 1986 and] 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

10 CSR 30-2.060 Approved Monumentation. The board is amending subsection (3)(C) and section (6).

PURPOSE: The purpose of the revision to subsection (3)(C) is to allow a drill hole or cut cross in bedrock as a semi-permanent monument.

(3) Semi-permanent monuments shall be selected from the following:

(C) In urban built-up areas, a cross-cut **or drill hole** in concrete, brick, *[or]* stone paving, **or bedrock** at the precise position of the corner or on a prolongation of a boundary line; and

(6) When it is impractical to set a required monument, a witness monument shall be set. It should be placed five feet (5') or more away from the point and preferably at an even foot. Witness monuments *[less than five feet (5') from the point]* must be clearly identified and shown on the plat. The location of the witness monument should be along a line of the survey or a prolongation of such line.

AUTHORITY: sections 60.510(7), [and] 60.550, [RSMo 1986] and 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

10 CSR 30-2.070 Detail Requirements for Resurveys. The board is amending subsection (2)(B) and renumbering the remaining subsections accordingly.

PURPOSE: The purpose of the addition to section (1) is to add language that was previously part of the section and was left of in the last publication. The purpose of the revision to subsection (2)(B) is to note the accuracy standard on the final plat for resurveys.

(1) Monumentation. The land surveyor shall establish semi-permanent or confirm existing monuments at each and every exterior corner of the parcel or tract being surveyed. All exterior corners shall **be set or witnessed with the exception of those along streams or lakes or undedicated/unrecorded roads.**

(2) Publication of Results.

(B) The Accuracy Standard, Type Urban, Type Suburban or Type Rural, shall be noted on the plat.

[(B)] (C) If the boundary description surveyed is from a recorded document, then the plat shall show or reference, or both, the record source of the boundary description surveyed. For example: lot, block, subdivision name; deed record book and page; document number.

[(C)] (D) If the boundary description surveyed is not contained in a recorded document (for example, boundary description contained in a lease, or unrecorded contract for deed), then the description provided the surveyor shall be quoted on the plat.

AUTHORITY: sections 60.510(7), [and] 60.550, [RSMo 1986] and 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys**

PROPOSED AMENDMENT

10 CSR 30-2.080 Detail Requirements for Original Surveys. The board is amending subsection (2)(B) and adding a new subsection(2)(C).

PURPOSE: The purpose of the revision to subsection (2)(B) is to change the wording "legal description" to "property description."

The purpose of the change to subsection (2)(C) is to note the accuracy standard on original surveys based on property type.

(2) Publication of Results.

(B) *[Legal]* The property description of the parcel created shall be written and shown on the resulting plat of survey.

(C) The Accuracy Standard, Type Urban, Type Suburban or Type Rural, shall be noted on the plat.

AUTHORITY: sections 60.510(7), [and] 60.550, [RSMo 1986] and 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys

PROPOSED AMENDMENT

10 CSR 30-2.090 Detail Requirements for Subdivision Surveys. The board is amending section (2).

PURPOSE: The purpose of the revision to section (2) is to note the accuracy standard on subdivision plats.

(2) Publication of Results. The plat shall show or reference the record source of the parent parcel from which the subdivision survey was made, and the Accuracy Standard, Type Urban, Type Suburban or Type Rural, shall be noted on the plat.

AUTHORITY: sections 60.510(7), [and] 60.550[, RSMo 1986] and 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 30—Land Survey
Chapter 2—Missouri Minimum Standards for Property
Boundary Surveys

PROPOSED AMENDMENT

10 CSR 30-2.100 Detail Requirements for Condominium Surveys. The board is amending subsections (2)(K) and (2)(L) and adding a new subsection (2)(M).

PURPOSE: The purpose of the revision to subsection (2)(M) is to note the accuracy standard on condominium plats.

(2) Publication of Results. Each plat shall show the following:

(K) The plat shall clearly define the elevation datum used. The current North American Vertical Datum, or a similar well documented datum is preferred. The location and elevation of the benchmark used to establish project datum shall be described on the plat. If no such established datum exists within a reasonable distance of the project, the surveyor will set a permanent monument as a benchmark and shall show its location and elevation on the plat; *[and]*

(L) A plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium. Any contemplated improvement shown must be labeled either SHALL BE BUILT or NEED NOT BE BUILT[.]; and

(M) The Accuracy Standard shall be Type Urban and shall be noted on the plat.

AUTHORITY: sections 60.510(7), [and] 60.550[, RSMo 1986] and 448.2-109, RSMo [Supp. 1988] 2000. Original rule filed May 3, 1994, effective Dec. 30, 1994. Amended: Filed March 20, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with J. Michael Flowers, State Land Surveyor, Department of Natural Resources, Land Survey Program, PO Box 250, Rolla, MO 65402. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

PROPOSED AMENDMENT

12 CSR 10-110.900 Farm Machinery and Equipment Exemptions. The director proposes to amend sections (1) through (4).

PURPOSE: This amendment provides for more consistent applications of department policies.

(1) In general, the purchase of farm machinery[, and] equipment, repair parts and *[supplies]* lubricants used exclusively and directly for producing crops, raising and feeding livestock, fish or poultry or producing milk for ultimate sale at retail is exempt from tax.

(2) Definition of Terms.

(A) **Equipment**—Devices that have a degree of permanence to the business, contribute to multiple processing cycles over time and generally constitute fixed assets, other than land and buildings, that are capitalized and depreciated for purposes of business and accounting practices.

[(A)](B) **Farm machinery**—Machinery and equipment used directly and exclusively in the agricultural production process.

(C) **Machinery**—Combinations of parts that work together as a functioning unit, even if they are subordinate elements of more complex machinery. Machinery may be simple or complex, but does not include the replacement of an individual part, even if that part becomes an element of a functioning machine.

[(B)](D) **Repair and replacement parts**—[Items] Articles of tangible personal property that are components of [exempt farm] machinery and equipment, which can be separated from the machinery or equipment and replaced. Like machinery and equipment, parts must have a degree of permanence and durability. Included in the repair and replacement part category are batteries, tires, fan belts, mufflers, spark plugs, oil filters, plow points, standard type motors and cutting parts. Substances such as fuels and coolants that are added to machinery and equipment for operation are not parts. Substances such as paint and adhesives that adhere to the surface of machinery and equipment but are not distinct articles of tangible personal property are not parts; these items would be considered as materials and supplies within the meaning of the exemptions.

(3) Basic Application of Exemption.

(A) To qualify for exemption pursuant to section 144.030.2(22), RSMo, items purchased must be—

1. Used exclusively for agricultural purposes;
2. Used on land owned or leased for the purpose of producing farm products; and

3. Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail. The term “used directly” encompasses items that are used in some manner prior to the actual commencement of production, during production, or in some manner after the production has terminated. In determining whether items are used directly, consideration must be given to the following factors:

- A. Where the items in question are used;
- B. When the items in question are used; and
- C. How the items in question are used to produce a farm product.; and/

[4. Farm machinery or equipment that meet these requirements are exempt from tax, as are]

(B) [r]Repair or replacement parts [thereon] and lubricants used exclusively for [such] farm machinery or equipment and one-half (1/2) of any diesel fuel used in such machinery or equipment are exempt.

[(B)] (C) Pursuant to section 144.045.1, RSMo, farm machinery or equipment that would otherwise qualify as exempt farm machinery and equipment will not lose its exempt status merely because the machinery or equipment is attached to a vehicle or real property. Such equipment includes, but is not limited to, a grinder mixer mounted on a vehicle or special livestock flooring. When exempt farm machinery or equipment attached to a motor vehicle is sold with the motor vehicle, the part of the total sales price attributable to the farm machinery or equipment is exempt from tax if the farm machinery or equipment is separately invoiced.

[(C)] (D) Pursuant to section 144.047, RSMo, farm machinery includes aircraft used solely for aerial application of agricultural chemicals.

[(D)] (E) Pursuant to section 144.030.2(34), RSMo, all sales of grain bins for storage of grain for resale are exempt; [however] pursuant to this section, parts purchased separately for these bins are not exempt. However, [G]grain bins, [and] including all parts [pur-

chased] that are used in production of a farm product and qualify as farm machinery and equipment are exempt pursuant to section 144.030.2(22).

[(E)] (F) The fact that particular items may be considered to be essential or necessary will not automatically entitle them to exemption. The following categories of items are excluded from the meaning of the term farm machinery and farm equipment and are subject to tax:

1. Under no circumstances can a motor vehicle or trailer ever be treated as tax exempt farm machinery. The terms motor vehicle and trailer are defined by the titling and licensing laws of Missouri (Chapter 301);

2. Containers and storage devices such as oil and gas storage tanks, pails, buckets and cans;

3. Hand tools and hand-operated equipment such as wheelbarrows, hoes, rakes, pitchforks, shovels, brooms, wrenches, pliers and grease guns;

4. Consumable items such as antifreeze, freon, ether, and starter fluid;

5. Attachments and accessories not essential to the operation of the machinery itself (except when sold as part of the assembled unit) such as cigarette lighters, radios, canopies, air-conditioning units, cabs, deluxe seats, tool or utility boxes and lubricators;

6. Equipment used in farm management such as communications and office equipment, repair, service, security or fire protection equipment;

7. Drainage tile, fencing material, building materials, general heating, lighting and ventilation equipment [for nonproduction areas]; and

8. Machinery and equipment used for a dual purpose, one purpose being agricultural and the other being nonagricultural [are not exempt].

[(F)] (G) Schedule A is a list of items of farm machinery and equipment which will usually be exempt if used exclusively for agricultural purposes on land owned or leased for the purpose of producing farm products and used directly in producing farm products or livestock to be sold ultimately at retail.

Schedule A Usually Exempt Items

Artificial insemination equipment
Augers
Bale loader
Bale transportation equipment
Baler twine
Baler wire
Balers
Batteries for farm machinery and equipment
Bedding used in production of livestock or poultry for food or fiber
Binder twine
Binders
Brooders
Bulk feed storage tanks
Bulk milk coolers
Bulk milk tanks
Bulldozers used exclusively in agricultural production
Calcium for tires
Calf weaners and feeders
Cattle currying and oiling machine
Cattle feeder, portable
Chain saws for commercial use in harvesting timber, lumber and in orchard pruning
Chicken pluckers
Choppers
Combines
Conveyors, portable
Corn pickers

Crawlers, tractor
Crushers
Cultipackers
Cultivators
Curtains and curtain controls for livestock and poultry confinement areas
Debeakers for productive animals
Dehorner for productive animals
Discs
Drags
Dryers
Dusters
Egg handling equipment
Ensilage cutters
Fans, livestock and poultry
Farm tractors
Farm wagons
Farrowing houses, portable
Farrowing crates
Feed carts
Feed grinders/mixers
Feed storage bins
Feeders
Fertilizer distributors
Flooring slats
Foggers
Forage boxes
Forage harvester
Fruit graters
Fruit harvesters
Generators
Gestation crates
Grain augers
Grain bins for storage of grain for resale (but not separately billed parts or add-ons to these grain bins)
Grain binders
Grain conveyors
Grain drills
Grain elevators, portable
Grain handling equipment
Grain planters
Greases and oils
Harrows (including spring-tooth harrow)
Hay loaders
Head gates
Heaters, livestock and poultry
Hog feeders, portable
Hoists, farm
Husking machines
Hydraulic fluid
Hydro-coolers
Incubators
Irrigation equipment
Livestock feeding, watering and handling equipment
Lubricating oils and grease
Manure handling equipment (including front and rear-end loaders and blades)
Manure spreaders
Milk cans
Milk coolers
Milk strainers
Milking equipment (including bulk milk refrigerators, coolers and tanks)
Milking machine
Mowers, hay and rotary blade used exclusively for agricultural purposes
Off-road utility vehicles, other than all-terrain vehicles (provided the off-road utility vehicle qualifies as farm machinery or equipment)

Panels, livestock
Pickers
Planters
Plows
Poultry feeder, portable
Pruning and picking equipment
Repair and replacement parts for exempt machinery
Rollers
Root vegetable harvesters
Rotary hoes
Scales (not truck scales)
Seed cleaners
Seed planters
Seeders
Shellers
Silo unloaders
Sorters
Sowers
Sprayers
Spreaders
Sprinkler systems, livestock and poultry
Squeeze chutes
Subsoiler
Threshing machines
Tillers
Tires for exempt machinery
Tractors, farm
Vacuum coolers
Vegetable graders
Vegetable washers
Vegetable waxers
Wagons, farm
Washers, fruit, vegetable and egg
Waxers
Weeders

[(G)] (H) Schedule B is a list of items, which are usually taxable.

Schedule B
Usually Taxable Items

Acetylene torches
Air compressors
Air tanks
All-terrain vehicles *[(3-, 4- and 6-wheel)]* **(unlike an off-road utility vehicle, an all-terrain vehicle has a seat that is straddled and handlebars for steering)**
Antifreeze
Automobiles
Axes
Barn ventilators
Brooms
Brushes
Building materials and supplies
Bulldozers
Cement
Chain saws
Cleansing agents and materials
Construction tools
Ear tags
Electrical wiring
Equipment and supplies for home or personal use
Ether
Fence building tools
Fence posts
Field toilets
Fire prevention equipment
Freon
Fuel additives

Garden hose
 Garden rakes and hoes
 Gasoline tanks and pumps
 Golf carts
 Hammers
 Hand tools
 Hog ringers
 Hog rings
 Lamps
 Lanterns
 Lawnmowers
 Light bulbs
 Marking chalk
 Nails
 Office supplies and equipment
 Packing room supplies
 Paint and decals
 Personal property installed in or used in housing for farm workers
[Posthole diggers (except commercial use in tree farms)]
 Pumps for household or lawn use
 Pumps, gasoline
 Refrigerators for home use
 Repair tools
 Road maintenance equipment
 Road scrapers
 Roofing
 Sanders
 Shovels
 Silos
 Small tools
 Snow fence
 Snowplows and snow equipment
 Staples
 Starting fluids
 Supplies for home or personal use
 Tanks, air
 Tanks, gasoline
 Tools for repair construction
 Tractors, garden
 Truck beds
 Water hose
 Welding equipment
 Wire, fencing
 Wrenches

(4) Examples.

(C) A farmer purchases a lawnmower. The farmer uses the lawnmower to mow around grain bins, as well as mow his lawn. The purchase of the lawnmower is subject to tax, */since/ because* the lawnmower is not used exclusively and directly for agricultural production.

(D) A farmer purchases a water chiller for use to control the climate inside the hatcheries and setters. The water chiller is also used to cool the administrative areas in the hatchery. The purchase of the water chiller is subject to tax, */since/ because* it is not used exclusively for agricultural production.

AUTHORITY: sections 144.270 and 144.705, RSMo [1994] 2000. Original rule filed Nov. 18, 1999, effective June 30, 2000. Amended: Filed March 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) in the aggregate. An accurate estimate cannot be made as the department has no track-

ing mechanism to determine how many taxpayers will take the exemption.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-110.900 Farm Machinery and Equipment Exemption
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Potentially anyone involved in producing farm products to be sold at retail or to be fed to livestock or poultry to be sold in processed form at retail.	N/A	The fiscal impact is UNKNOWN . Some taxpayers may pay higher taxes if they follow the amended rule's explanation of the law as currently interpreted by the Supreme Court than if they follow the existing rule's explanation of law as interpreted by the Supreme Court at the time the existing rule was originally promulgated. Additionally, the current rule mistakenly broadens the exemption as contained in the statute, a mistake corrected in the amendment. Taxpayers who followed the rule rather than the statute may pay higher taxes. The department reasonably believes that such taxpayers in the aggregate will pay additional taxes of more than \$500.

III. WORKSHEET

The aggregate fiscal impact is based on representations of taxpayers regarding the impact on them.

IV. ASSUMPTIONS

Some taxpayers may or may not pay more tax after this amendment becomes final than they do now. An accurate estimate cannot be made at this time as the department has no tracking mechanism to determine how many taxpayers will take the exemption.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 111—Sales/Use Tax—Machinery and Equipment
Exemptions

PROPOSED AMENDMENT

12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions. The director proposes to amend sections (2)-(4).

PURPOSE: This amendment reflects recent court cases and to provide for more consistent application of department policies.

(2) Definition of Terms.

(A) Equipment—Devices that have a degree of permanence to the business, contribute to multiple processing cycles over time and generally constitute fixed assets, other than land and buildings, that are capitalized and depreciated for purposes of business and accounting practices.

[(A)] (B) Establish a new manufacturing plant—The complete and final construction of a facility and all of its component parts. Construction shall be deemed completed within a reasonable period of time after production begins.

[(B)] (C) Expand existing manufacturing plant—The purchase of additional machinery, equipment and parts as a result of the physical enlargement of an existing manufacturing, fabricating or mining facility; or the addition of machinery, equipment and parts constituting improvements that result in an actual or potential: i) increase in production volume at the plant, ii) increase in employment at the plant, or iii) increase in the number of types or models of products produced at the plant. This actual or potential increase is measured in relation to the actual or potential production volume, employment or types or models of products produced at the plant before the machinery, equipment and parts were originally put into use at the plant. Documentation which may be provided to establish the requisite intent for potential increase in production include, but are not limited to, the following: capital expenditure authorization requests, production records, production plans, purchase invoices, work authorizations, plant equipment cost savings analysis or reports and asset justification reports.

[(C)] (D) Fabrication—The process of transforming an item into a higher stage of development. It does not imply or signify manufacturing, but the meaning of the term is limited to cutting, carving, dressing, shaping; advancing an elementary shape to a higher stage of development; reworking and cutting shapes to required length.

[(D)] (E) Machinery [and equipment]—[Devices that have a degree of permanence to the business, contribute to multiple processing cycles over time and generally constitute fixed assets other than land and buildings for purposes of business and accounting practices.] Combinations of parts that work together as a functioning unit, even if they are subordinate elements of more complex machinery. Machinery may be simple or complex, but does not include the replacement of an individual part, even if that part becomes an element of a functioning machine.

[(E)] (F) Manufacturing—i) the alteration or physical change of an object or material to produce an article with a use, identity and value different from the use, identity and value of the original; or ii) a process which changes and adapts something practically unsuitable for any common use into something suitable for common use; or iii) the production of new and different articles, by the use of machinery, labor and skill, in forms suitable for new applications; or iv) a process that makes more than a superficial transformation in quality and adaptability and creates an end product quite different from the original; or v) requires the manipulation of an item in such a way as to create a new and distinct item, with a value and identity completely different from the original. Manufacturing does not include processes that restore articles to their original condition (e.g., clean-

ing, repairing); processes that maintain a product (e.g., refrigeration); or processes that do not result in a change in the articles being processed (e.g., inspecting, sorting).

(G) Materials—Tangible personal property that becomes a component of machinery and equipment during installation, construction or operation of the machinery and equipment, or that becomes an ingredient or component part of the final product that is ultimately sold for final use and consumption.

[(F)] (H) Mining—The process of extracting from the earth precious or valuable metals, minerals or ores. This process includes quarrying, but does not include equipment used for water-well drilling or reclamation performed to restore previously mined land to its original state.

[(G)] (I) Parts—Articles of tangible personal property that are components of machinery or equipment, which can be separated from the machinery or equipment and replaced. Like machinery and equipment, parts must have a degree of permanence and durability. Items that are consumed in a single processing and benefit only one production cycle are materials and supplies, not parts. Items such as: nuts, bolts, hoses, hose clamps, chains, belts, gears, drill bits, grinding heads, blades, and bearings, would ordinarily be considered [as/ parts. Substances such as fuels and coolants that are added to machinery and equipment for operation are not parts. Substances such as lubricants, paint and adhesives that adhere to the surface of machinery and equipment but are not distinct articles of tangible personal property, are not parts/. T]; these items would be considered [as/ materials and supplies within the meaning of the exemptions.

[(H)] (J) Producing—Includes the meanings of “manufacturing” and “fabricating,” and is used in connection with the creation of intangibles that are taxable but which are not manufactured or fabricated in the sense those terms are commonly understood, e.g., information organized by computer and then sold on tangible media.

[(I)] (K) Product which is intended to be sold ultimately for final use or consumption—Tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state or any other state, which is intended at the time of manufacturing, mining or fabrication to be sold at retail. Property or services cannot be considered to be “subject to” the tax of a state unless the property or services are actually to be sold at retail in that state or delivered to a retail customer in that state.

(L) Supplies—Tangible personal property consumed in the installation or construction of machinery and equipment, or in maintaining machinery and equipment during operation. The term supplies does not include fuel because sections 144.030.2(4) and (5), RSMo do not expressly exempt fuel.

(M) Used directly in manufacturing, mining, fabricating or producing a product—Substantially used in, essential to, and comprising an integral part of the manufacturing, mining, fabricating or producing process. Under the integrated plant theory, adopted by Missouri, it is not sufficient to meet only one (1) of these requirements. For example, items used in material storage or handling before the manufacturing process begins may be essential to the process, but generally are not an integral part of the manufacturing process and are therefore not used directly in manufacturing. Similarly, items used for storing the finished product are generally not an integral part of the manufacturing process. The factors that determine whether an article is directly used are: whether the item is essential or necessary to the process; how close, causally, is the item to the production process; and whether the item operates harmoniously with other machinery to make an integrated and synchronized system. The direct use requirement is not limited to those items of machinery, equipment and parts that produce a direct physical change in the composition of the raw materials or work in process. As long as there is a continuous progression from raw materials to finished product and there are no extended interruptions in the manufacturing process, the integrated and synchronized system begins

when raw materials enter the production process and ends when the product is finished.

(3) Basic Application of Exemption.

[(A)] **Direct use**—In determining whether machinery, equipment and parts are used directly in producing a product, Missouri has adopted the integrated plant theory that permits a broad construction of the machinery, equipment and parts exemptions. The language “used directly in” exempts purchases of articles that are both essential and comprise an integral part of the manufacturing process. It is not sufficient to meet only one of these requirements. For example, items used in material storage or handling before the manufacturing process begins may be essential to the process, but are not an integral part of the manufacturing process and are therefore not used “directly” in manufacturing. The factors which determine whether an article is directly used are: whether the item is essential or necessary to the process; how close, causally, is the item to the production process; and whether the item operates harmoniously with other machinery to make an integrated and synchronized system. The direct use requirement is not limited to those items of machinery, equipment and parts that produce a direct physical change in the composition of the raw materials or work in process.]

[(B)] **(A) [New or expanded plant exemption—]** Pursuant to section 144.030.2(5), RSMo, purchases of machinery, equipment and parts to establish a new or to expand an existing manufacturing, mining or fabricating plant in Missouri which are used directly in manufacturing, mining or fabricating a product that is intended to be sold ultimately for final use or consumption are not subject to tax. Purchases of the materials and supplies solely required for the installation or construction of such machinery and equipment are not subject to tax.

[(C)] **(B) [Purchase by other than end user—]** The exemptions for machinery, equipment and parts in section 144.030.2(4) and (5), RSMo, do not require that the owner of the facility be the purchaser to qualify for the exemption or that the purchaser be the one who uses the machinery, equipment and parts in an exempt fashion. All that is required is that the machinery, equipment and parts are used in a tax-exempt manner. These exemptions “flow through” to the owner. For example, a real property improvement contractor may purchase exempt from tax the machinery, equipment, parts, materials and supplies solely required for installation or construction of such replacement items, if such items are to be used in a tax-exempt manner by the owner.

(C) Pursuant to section 144.030.2(4), RSMo, purchases of replacement machinery, equipment and parts which are used directly in manufacturing, mining, fabricating or producing a product that is intended to be sold ultimately for final use or consumption are not subject to tax. Purchases of the materials and supplies solely required for the installation or construction of such replacement machinery, equipment and parts are not subject to tax.

(D) Replacement—To be exempt under section 144.030.2(4), RSMo, the machinery, equipment and parts must replace an existing piece of machinery, equipment or parts. This can include machinery, equipment, or repair and maintenance parts that are identical to the items they replace, as well as items that are different from the ones they replace, such as replacement machinery, equipment or parts added for the purpose of improving or modifying the existing devices. The replacement machinery, equipment and parts must be used in a process that produces a product intended to be sold ultimately for final use or consumption.

[(E)] **Replacement machinery, equipment and parts—**Pursuant to section 144.030.2(4), RSMo, purchases of replacement machinery, equipment and parts which are used directly in manufacturing, mining, fabricating or producing a

product that is intended to be sold ultimately for final use or consumption are not subject to tax. Purchases of the materials and supplies solely required for the installation or construction of such replacement machinery, equipment and parts are not subject to tax.]

[(F)] **(E) [Use for nonexempt purposes—]**In order for the machinery and equipment to be exempt from tax it must be used substantially for an exempt purpose, but need not be used exclusively or primarily for [an exempt] that purpose. However, the purchaser may only claim an exemption for a percentage of the purchase price equal to the percentage of use for an exempt purpose. If several like items are purchased, some for exempt purposes and some for nonexempt purposes, only the number of items essential for the exempt use qualify for the exemption. The purchaser must intend at the time of purchase to use and actually make material use of the machinery and equipment in an exempt capacity to qualify. The fact that it may also be used for nonexempt purposes will not prevent the purchase of the item from qualifying for the exemption. *[If several like items are purchased, some for exempt purposes and some for nonexempt purposes, only the number of items essential for the exempt use qualify for the exemption.]* If a purchaser buys machinery, equipment or parts under a claim of exemption, the purchaser must self-accrue and remit tax to the department for that portion of the purchase price attributable to use for a nonexempt purpose. The percentage of exempt use may be based on the time used for an exempt purpose or on another formula or method that reasonably reflects the actual exempt use.

(F) When two (2) or more entities are involved in a process, they must be under common ownership and work together to manufacture, mine, fabricate or produce a single product for both to qualify for the exemption under the integrated plant theory. Otherwise, they must each independently satisfy the requirements of this exemption.

(4) Examples.

(G) Same facts as (F). Some of the testing equipment is used for both exempt and nonexempt purposes. The company should purchase the equipment pursuant to a claim of exemption and accrue and remit tax for the percentage of the purchase price equal to the percentage of the time the equipment is used for nonexempt purposes.

[(G)] **(H)** A ceramic greenware manufacturer purchases six (6) [initial] greenware mug molds, which it is going to use to manufacture greenware mugs to be resold. All six (6) greenware mug molds would be exempt.

[(H)] **(I)** A rock quarry purchases equipment to remove earth and overburden to expose the rock and to remove rock from the ground. It purchased separate equipment to crush the rock into gravel as a marketable product to be sold at retail. The equipment used to remove the overburden and rock from the ground would qualify as exempt mining equipment and the equipment used to crush the rock into gravel would qualify as exempt manufacturing equipment.

[(I)] **(J)** A taxpayer operates a concrete manufacturing plant. *[(It)]* **The taxpayer** purchases three (3) replacement concrete mixing trucks and also adds four (4) additional concrete mixing trucks to expand its fleet. **The /T/taxpayer** also purchased dump trucks to haul concrete slabs that had been manufactured in its plant. The replacement and new additional concrete mixing trucks are directly used in manufacturing and would qualify for the replacement machinery and equipment exemption in section 144.030.2(4), RSMo, and the expanded plant exemption in section 144.030.2(5), RSMo, respectively. The dump trucks would not qualify for exemption because they are not directly used in the manufacturing process. However, if the dump trucks were used in the plant to transport the slabs during the manufacturing process from one processing area to another within the manufacturing plant, these exemptions would apply.

[(J)] (K) A taxpayer creates and sells a nontaxable information service product. To develop its product, the taxpayer purchases computer hardware and software. Because the taxpayer produces a nontaxable service product, it is not manufacturing a product intended to be sold ultimately for final use or consumption and, therefore its purchases of computer equipment are not exempt from tax.

[(K)] (L) A taxpayer has exempt machinery and equipment used directly in manufacturing a taxable product. Taxpayer purchases: i) [fuels,] lubricants[,] and coolants for operation of the machinery and equipment; ii) paint and adhesives which will adhere to the surface of the machinery and equipment; and iii) replacement hoses and belts for the machinery and equipment. The [fuels,] lubricants, coolants, paint and adhesives added to the machinery and equipment for operation are not parts within the meaning of the exemptions. [These items are materials and supplies.] They are exempt only if used for installation or construction of exempt machinery, equipment and parts. The hoses and belts may be purchased exempt from tax because they qualify as replacement parts.

[(L)] (M) A manufacturing company has two (2) sets of storage [devices] bins. The first set stores work in process between two (2) separate production areas. The second set stores the finished goods after the manufacturing process has been completed. The first set of storage [devices] bins is used directly in manufacturing and thus falls within the exemption. The second set of [devices] bins is not directly used in manufacturing and is subject to tax.

[(M)] (N) A manufacturing company uses pneumatic powered tools directly on its assembly line. It also has hand tools used to repair or adjust the machines throughout the plant. The pneumatic powered tools are exempt as machinery and equipment directly used in manufacturing. The hand tools do not qualify as machinery and equipment directly used in manufacturing and are taxable.

[(N)] (O) A commercial photo developer uses "crop cards" to hold individual negatives in the film developing process which are discarded after a single use. The developer also uses tape to connect negative strips so that the negatives may be fed through its automatic film developing machinery and equipment. The crop cards and tape are [consumable supplies,] not parts or equipment, and therefore are subject to tax.

[(O)] (P) A steel company manufactures steel products. It purchases train carloads of steel beams that are used in the plant to produce the products. The steel beams are unloaded from the train and placed in the production line. The crane used to unload the steel beams [at the plant] from the train to the production line is part of the integrated and synchronized system and is used directly in the manufacturing process. [As long as there is a continuous progression from raw materials to finished product and there are no extended interruptions in the manufacturing process, the integrated and synchronized system begins when raw materials enter the plant site and ends when the finished product leaves the plant site.]

[(P)] (Q) A taxpayer [sells and installs computer hardware and software and] provides information technology services to its customers in Missouri and Texas. [The hardware and software are tangible personal property subject to sales tax.] The technology services are not subject to tax in Missouri but are subject to tax in Texas. [and t/The taxpayer remits [sales] tax to Texas on its sales in Texas. [The taxpayer's purchase of machinery and equipment to develop its products and services is intended to manufacture a taxable product or a taxable] The computer hardware and software used to provide services to customers in Missouri are subject to tax. Because the services are subject to tax in Texas, the computer hardware and software used by the taxpayer to provide its services in Texas are used to provide a service intended to be sold ultimately for final use or consumption. [The purchase of machinery and equipment is exempt from tax.] The purchase of the computer hardware and software used to provide services in Texas, therefore, is exempt from tax because the technology services are taxable.

(R) Same facts as (Q), except the same equipment is used to provide services to customers both in Texas and in Missouri. The taxpayer should purchase the hardware and software under a claim of exemption and accrue and remit tax on the percentage of the purchase price equal to the percentage of time the hardware and software is used to provide services in Missouri.

[(Q)] (S) A manufacturer purchases four (4) forklifts for use in its plant. The manufacturer intends to use two (2) forklifts to move work in process between two (2) manufacturing steps and the other two (2) for loading the finished product from its warehouse onto trucks. Even though all four (4) forklifts may be rotated between the functions, only the two (2) forklifts essential to the manufacturing process are exempt. If the manufacturer uses all four (4) forklifts on a rotating basis in both moving work in process and in loading finished product, the manufacturer may purchase all forklifts under the exemption but must remit tax on the amount of the purchase price representing the non-exempt use of the forklifts. Replacement parts used on the forklifts are also subject to tax on the same prorated basis.

(T) A manufacturer purchases a computer system to provide all accounting functions, for use in designing new products, and to control its production line. The manufacturer may purchase the computer system exempt from tax but must remit to the department tax on that portion of the purchase price equivalent to the percentage of the computer capacity that is not used to control the production line.

(U) A manufacturer purchases machinery and equipment to unload raw materials from delivery vehicles and transport them to the warehouse for storage. This machinery and equipment is not directly used in manufacturing and is not eligible for this exemption.

(V) A manufacturer purchases machinery and equipment to unload raw materials from delivery vehicles and transport them on conveyors directly from the loading dock to the production line. The raw materials remain on the conveyor until used in the production process. This machinery and equipment is integrated and used directly in manufacturing and qualifies for this exemption.

(W) A manufacturer purchases machinery and equipment to take the finished product from the production line to the warehouse for storage. This machinery and equipment is integrated and directly used in manufacturing and is eligible for this exemption. The manufacturer also purchases machinery and equipment to use in handling the finished product in the warehouse and deliver it to vehicles for shipping. This machinery and equipment is not directly used in manufacturing and is not eligible for this exemption.

AUTHORITY: section 144.270, RSMo [1994] 2000. Original rule filed Aug. 31, 1999, effective March 30, 2000. Amended: Filed March 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment may or may not cost private entities more than five hundred dollars (\$500) in the aggregate. An accurate estimate cannot be made as the department has no tracking mechanism to determine how many taxpayers will take the exemption.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-111.010 Manufacturing Machinery and Equipment Exemptions
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Potentially anyone involved in manufacturing products to be sold at retail	N/A	The fiscal impact is UNKNOWN . Some taxpayers may pay higher taxes if they follow the amended rule's explanation of the law as currently interpreted by the Supreme Court than if they follow the existing rule's explanation of law as interpreted by the Supreme Court at the time the existing rule was originally promulgated. Taxpayers who followed the rule rather than the statute may pay higher taxes. The department reasonably believes that such taxpayers in the aggregate will pay additional taxes of more than \$500.

III. WORKSHEET

The aggregate fiscal impact is based on representations of taxpayers regarding the impact on them.

IV. ASSUMPTIONS

Some taxpayers may or may not pay more tax after this amendment becomes final than they do now. An accurate estimate cannot be made at this time as the department has no tracking mechanism to determine how many taxpayers will take the exemption.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 15—Division of Senior Services
Chapter 4—Older Americans Act**

PROPOSED AMENDMENT

19 CSR 15-4.050 Funding Formula and Fiscal Management. The department proposes to amend this rule by revising sections (2) and (6).

PURPOSE: *This amendment revises the referenced language to reflect use of the most recent decennial Census in calculating the funding formulas which allows the Division of Senior Services to disburse funds to the area agencies on aging in the state.*

(2) The intrastate funding formula for the state of Missouri shall be established by the proportion of the population in each planning and service area (PSA) as calculated by using the following four (4) factors:

(E) Data used to compute the area agency on aging allotment percentages *[for all Fiscal Years preceding 2003 was]* will be derived from the *[1990] most recent decennial* Census of Population and Housing, *[Summary Tape 3A]* for the following categories:

1. Population sixty (60) years of age and over *[for funds allocated for the period July 1, 1994 through June 30, 1995];*
2. Population sixty (60) years of age and over, below poverty;
3. Population sixty (60) years of age and over, minority below poverty;
4. Population sixty (60) years of age and over, rural or geographically isolated; and
5. Population sixty (60) years of age and over, minority;

(F) Data from the *[1990] most recent decennial* Census of Population and Housing, *[Summary Tape File 4A was]* will be used for the following categories:

1. Population sixty (60) years of age and over with a disability;
2. Population sixty (60) years of age and over with limited English;

[(G) Data used to compute the area agency on aging allotment percentages was derived from the 1999 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 2001 through June 30, 2002;

(H) Data used to compute the area agency on aging allotment percentages was derived from the 2000 Census prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 2002 through June 30, 2003;

(I) Based on the factors stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 2002 beginning July 1, 2001 and ending June 30, 2002, are as follows:

1. Southwest Missouri Office on Aging—12.93%;
2. Southeast Missouri Area Agency—10.40%;
3. District III Area Agency—6.56%;
4. Northwest Missouri Area Agency—6.23%;
5. Northeast Missouri Area Agency—5.55%;
6. Central Missouri Area Agency—11.03%;
7. Mid-America Regional Council—14.53%;
8. Mid-East Area Agency—20.93%;
9. St. Louis Area Agency—8.21%; and
10. Region X Area Agency—3.63%; and

(J) Based on the factors stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 2003 beginning July 1, 2002 and ending June 30, 2003, are as follows:

1. Southwest Missouri Office on Aging—13.16%;
2. Southeast Missouri Area Agency—10.43%;
3. District III Area Agency—6.60%;
4. Northwest Missouri Area Agency—6.18%;
5. Northeast Missouri Area Agency—5.58%;
6. Central Missouri Area Agency—11.16%;
7. Mid-America Regional Council—14.41%;
8. Mid-East Area Agency—21.01%;
9. St. Louis Area Agency—7.82%; and
10. Region X Area Agency—3.65%.]

(6) The intrastate funding formula for the allocation of Title III funds for Disease Prevention and Health Promotion Services shall be established by the proportion of the sum of the factors for each PSA to the total of the factors for the state as calculated by using the following three (3) factors:

[(D) Data used for the following categories was derived from the 1990 Census of Population and Housing Summary Tape File 2A for use in allocating funds for the Fiscal Years preceding 2003:

1. Population sixty (60) and over;
2. Population sixty (60) and over minority;]

[(E)] (D) Data used for the following categories [was] will be derived from the [2000] most recent decennial Census for use in allocating funds *[for Fiscal Year 2003].*

1. Population sixty (60) and over;
2. Population sixty (60) and over minority;

[(F)] (E) Data used for the population sixty (60) and over below poverty [was] will be derived from the [1990] most recent decennial Census of Population and Housing, *[Summary Tape File 4A];*

[(G)] (F) Data used for the population per square mile [was] will be derived from the [1990] most recent decennial Census of Population and Housing Unit Counts, *[Table 4];*

[(H)] (G) Data from the Missouri Department of Social Services, Division of Medical Services [was] will be used for population sixty (60) and over receiving Medicaid assistance;

[(I)] (H) Data from the Department of Health and Senior Services [was] will be used for the population sixty (60) and over residing in HPSAs;

[(J) Based upon the factors stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 2002 are as follows:

1. Southwest Missouri Office on Aging—14.27%;
2. Southeast Missouri Area Agency—12.18%;
3. District III Area Agency—6.46%;
4. Northwest Missouri Area Agency—7.86%;
5. Northeast Missouri Area Agency—5.74%;
6. Central Missouri Area Agency—8.33%;
7. Mid-America Regional Council—8.45%;
8. Mid-East Area Agency—19.65%;
9. St. Louis Area Agency—11.02%; and
10. Region X Area Agency—6.04%; and

(K) Based upon the factors stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 2003 are as follows:

1. Southwest Missouri Office on Aging—12.31%;
2. Southeast Missouri Area Agency—10.21%;
3. District III Area Agency—7.03%;
4. Northwest Missouri Area Agency—7.15%;
5. Northeast Missouri Area Agency—6.78%;
6. Central Missouri Area Agency—10.40%;
7. Mid-America Regional Council—12.54%;
8. Mid-East Area Agency—20.40%;
9. St. Louis Area Agency—7.47%; and
10. Region X Area Agency—5.71%.]

AUTHORITY: section 660.050, RSMo Supp. 2001. This rule was previously filed as 13 CSR 15-6.195 and 13 CSR 15-4.050. Original

rule filed Jan. 6, 1986, effective April 30, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 31, 2003.

PUBLIC COST: In accordance with section 305 of the Older Americans Act, the Division of Senior Services as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The public entities and their respective increase/(decrease) in revenues are: Mid-America Regional Council Area Agency on Aging—(\$4,028), City of St. Louis Area Agency on Aging—(\$75,887) and Area Agency on Aging Region X—\$7,508.

PRIVATE COST: In accordance with section 305 of the Older Americans Act, the Division of Senior Services as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies and their respective increase/(decrease) in revenues are: Southwest Missouri Office on Aging—\$46,053, Southeast Missouri Area Agency on Aging—(\$1,301), District III Area Agency on Aging—\$1,318, Northwest Missouri Area Agency on Aging—(\$2,104), Northeast Missouri Area Agency on Aging—\$1,060, Central Missouri Area Agency on Aging—\$14,064 and Mid-East Area Agency on Aging—\$13,317.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Senior Services, Linda Allen, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 19 - Department of Health & Senior ServicesDivision: 15 - Division of Senior ServicesChapter: 4 - Older Americans ActType of Rulemaking: Proposed AmendmentRule Number and Name: 19 CSR 15-4.050, Funding Formula and Fiscal Management

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Mid America Regional Council	(\$ 4,028)
City of St. Louis	(\$75,887)
Area Agency on Aging Region X	\$ 7,508

III. WORKSHEET

Funding formula for distribution of funds:

	Increase/ (Decrease) in Title III Funds	Increase/ (Decrease) in Disease Prevention Funds
Mid America Regional Council	\$12,050	(\$16,078)
City of St. Louis	(\$81,337)	\$ 5,450
Area Agency on Aging Region X	<u>\$ 3,012</u>	<u>\$ 4,496</u>
Totals	(\$66,275)	(\$ 6,132)

IV. ASSUMPTIONS

1. In accordance with the federal Older Americans Act (OAA), this rule relates to the Missouri Department of Health & Senior Services/Division of Senior Services (DHSS/DSS), the designated state agency responsible for development and implementation of a state plan on aging under Titles III, V and VII of the Act.
2. This rule is specific to the state unit on aging within DHSS/DSS as mandated by Title III of the OAA and designated area agencies on aging. In accordance with section 305 of the OAA, DSS as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three

(3) are public organizations. The non-profit agencies are: Southwest Missouri Office on Aging, Southeast Missouri Area Agency on Aging, District III Area Agency on Aging, Northwest Missouri Area Agency on Aging, Northeast Missouri Area Agency on Aging, Central Missouri Area Agency on Aging and Mid-East Area Agency on Aging. The public entities are: Mid-America Regional Council Area Agency on Aging, City of St. Louis Area Agency on Aging and Area Agency on Aging Region X.

3. This rule is mandated by the OAA; therefore, a takings analysis is not required under section 536.017, RSMo 2000.
4. The OAA mandates Title III funds, with limited exceptions detailed within section 304, be distributed to area agencies on aging designated by the state unit on aging. DSS, the designated state unit on aging, is responsible for developing in consultation with the area agencies on aging an intrastate funding formula for distribution of Title III funds to area agencies on aging. The intrastate funding formula is based upon criteria found within section 305 of the OAA.
5. This rule is federally mandated; therefore, the life of the rule cannot be determined by DSS.
6. The aggregate decrease in public revenues over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect. Consideration should be given to the demographic changes as contained within information from the US Department of Commerce, Bureau of the Census and population estimates prepared by the Missouri Office of Administration. Further, the area agency on aging funding levels are annually affected by the level of federal, Administration on Aging grant awards to Missouri.
7. Area agencies on aging do not cover the same number of counties nor do they receive the same level of funding. In order to obtain a reasonable estimate of the decreased revenue to a single area agency on aging, first divide the anticipated decrease in public revenues by the number of public or private area agencies on aging affected under this specific fiscal note.
8. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 19 - Department of Health & Senior ServicesDivision: 15 - Division of Senior ServicesChapter: 4 - Older Americans ActType of Rulemaking: Proposed AmendmentRule Number and Name: 19 CSR 15-4.050, Funding Formula and Fiscal Management

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7	Area agencies on aging	\$72,407*

*The aggregate change over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect.

III. WORKSHEET

Funding formula for distribution of funds:

	Increase/ (Decrease) in Title III Funds	Increase/ (Decrease) in Disease Prevention Funds
Southwest Office on Aging	\$27,112	\$18,941
Southeast MO Area Agency	(\$15,062)	\$13,761
District III Area Agency	(\$ 9,037)	\$10,355
Northwest MO Area Agency	(\$12,050)	\$ 9,946
Northeast MO Area Agency	(\$ 6,025)	\$ 7,085
Central MO Area Agency	\$ 6,025	\$ 8,039
Mid East Area Agency	<u>\$75,312</u>	<u>(\$61,995)</u>
Totals	\$66,275	\$ 6,132

IV. ASSUMPTIONS

1. In accordance with the federal Older Americans Act (OAA), this rule relates to the Missouri Department of Health & Senior Services/Division of Senior Services (DHSS/DSS), the designated state agency responsible for development and implementation of a state plan on aging under Titles III, V and VII of the Act.
2. This rule is specific to the state unit on aging within DHSS/DSS as mandated by Title III of the OAA and designated area agencies on aging. In accordance with section 305 of the Act, DSS as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies are: Southwest Missouri Office on Aging, Southeast Missouri Area Agency on Aging, District III Area Agency on Aging, Northwest Missouri Area Agency on Aging, Northeast Missouri Area Agency on Aging, Central Missouri Area Agency on Aging and Mid-East Area Agency on Aging. The public entities are: Mid-America Regional Council Area Agency on Aging, City of St. Louis Area Agency on Aging and Area Agency on Aging Region X.
3. This rule is mandated by the OAA; therefore, a takings analysis is not required under section 536.017, RSMo 2000.
4. The OAA mandates Title III funds, with limited exceptions detailed within section 304, be distributed to area agencies on aging designated by the state unit on aging. DSS, the designated state unit on aging, is responsible for developing in consultation with the area agencies on aging an intrastate funding formula for distribution of Title III funds to area agencies on aging. The intrastate funding formula is based upon criteria found within section 305 of the OAA.
5. This rule is federally mandated; therefore, the life of the rule cannot be determined by DSS.
6. The aggregate decrease in public revenues over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect. Consideration should be given to the demographic changes as contained within information from the US Department of Commerce, Bureau of the Census and population estimates prepared by the Missouri Office of Administration. Further, the area agency on aging funding levels are annually affected by the level of federal, Administration on Aging grant awards to Missouri.
7. Area agencies on aging do not cover the same number of counties nor do they receive the same level of funding. In order to obtain a reasonable estimate of the decreased revenue to a single area agency on aging, first divide the anticipated decrease in public revenues by the number of public or private area agencies on aging affected under this specific fiscal note.
8. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Health Standards and Licensure
Chapter 40—Comprehensive Emergency Medical Services
Systems Regulations**

PROPOSED AMENDMENT

19 CSR 30-40.309 Application and Licensure Requirements Standards for the Licensure and Relicensure of Ground Ambulance Services. The department is amending this rule by adding a new section (13).

PURPOSE: The amendment sets forth the process for an existing ambulance service licensee to reduce their primary service area.

(13) An existing ambulance service licensee may apply for and be granted by Bureau of EMS a reduction in their primary service area if they meet the following requirements:

(A) Submit a completed application for licensure, requesting a reduction of their ambulance service area and include a detailed description of the affected area that will no longer be included in their primary service area; and

(B) Provide written documentation of an agreement with another licensed ambulance service, stating the service has agreed to provide ambulance service to the vacated service area through an expansion of their services, by either contract or mutual aid agreement or provide public notice to residents of the affected area.

1. Public notice to residents of the affected area includes:

A. Publishing notice in a newspaper of the largest general circulation, that is published in the county in the area affected by the decision to withdraw ambulance coverage, a minimum of one (1) year in advance of the proposed date of discontinuation of ambulance services. A completed affidavit of publication and an original clipping of published notice must accompany the application for licensure; and

B. Providing written notice to the county commission of any county that as a whole or in part, will be affected by the discontinuation of services, a minimum of one (1) year in advance of the proposed date of discontinuation of ambulance services.

AUTHORITY: sections 190.103, 190.107, 190.176 and 190.190, RSMo 2000, and 190.105, 190.109, 190.120, 190.160, 190.165, 190.175, and 190.185, RSMo Supp. [1998] 2002. Emergency rule filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. Emergency amendment filed March 31, 2003, effective April 14, 2003, expires Oct. 11, 2003. Amended: Filed March 31, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Health Standards and Licensure, Lois Kollmeyer, Director, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 4—Applications

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041 and 327.381, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 30-4.060 Evaluation—Comity Applications—Architects is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (27 MoReg 128-130). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 11—Renewals

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under sections 327.041, RSMo Supp. 2001 and 327.261 and 327.271.1, RSMo 2000, the board adopts a rule as follows:

4 CSR 30-11.030 Professional Engineer Renewal and Reactivation of Licensure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2003 (27 MoReg 131-134). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 13—Supervision

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects under section 327.041, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 30-13.010 Immediate Personal Supervision is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2145). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects received one (1) letter of comment on the proposed amendment to board rule 4 CSR 30-13.010 from E. Tom Pyle, Jr. on October 2, 2002.

COMMENT: Mr. Pyle believes that the proposed amendment has serious flaws which the board would appear to sanction unlawful acts. Therefore, he suggested some additional wording which, in his opinion, would greatly reduce litigation in this area.

RESPONSE: Even though Mr. Pyle's comment was received prior to the published comment period, the board chose to review and consider it anyway. Upon review, the board agreed it would not be necessary to change the content of the proposed amendment since the concern raised by Mr. Pyle is already addressed in the board's rule

on professional conduct. Therefore, the board decided to make no change in the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 90—State Board of Cosmetology
Chapter 13—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.110, RSMo 2000 and 329.210, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 90-13.010 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 135-136). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 90—State Board of Cosmetology
Chapter 13—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.110, RSMo 2000 and 329.210, RSMo Supp. 2001, the board amends a rule as follows:

**4 CSR 90-13.050 Renewal, Inactive Status, and Reactivation
Requirements for Cosmetologists and Instructors is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 137-138). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts
Chapter 5—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.104.3, RSMo Supp. 2002 and 334.125 and 335.036, RSMo 2000, the board amends a rule as follows:

4 CSR 150-5.100 Collaborative Practice is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2,

2002 (27 MoReg 2146). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A total of two (2) written letters of comment were submitted to the Boards of Nursing and Healing Arts regarding this proposed rule amendment. The State Board of Registration for the Healing Arts received one (1) written comment in opposition to the proposed change. The State Board of Nursing received one (1) written comment in support of the proposed change. No public hearing was held.

COMMENT: The Missouri State Medical Association (MSMA) submitted one (1) written comment to the State Board of Registration for the Healing Arts. MSMA opposed the rule amendment citing the following points: (a) inability to “imagine a scenario wherein a mere thirty (30) days of common-site collaboration between physician and nurse,” an important patient-safety provision, could warrant waiver in an isolated incident or two; (b) concern about future boards’ interpretation of what “seems to be a very lax standard” of language used to identify emergency situations; and (c) belief that the approval process of both boards, as a matter of practicality, “would need close to thirty (30) days” to address the waiver request.

RESPONSE: The Boards of Healing Arts and Nursing acknowledged the comment but decided that it was important for the boards to have the option to consider a waiver to the one (1) calendar month common-site collaboration. Anecdotically, there have been at least four (4) instances reported that might have prompted such a waiver request. These situations involved collaborating physician accidental death, incapacitating illness, and abrupt termination of employment and/or collaborative practice arrangement. Recognizing that consistent and expeditious handling of waiver requests will be necessary, the boards will utilize written guidelines. The boards concurred to leave the existing amendment language in place.

COMMENT: The Missouri Nurses Association (MONA) submitted one (1) written comment to the State Board of Nursing. MONA supported the rule amendment citing the following points: (a) awareness of advanced practice nurses being confronted by instances of untimely physician termination, ranging “from death of the collaborating physician to abandonment of the practice by the collaborating physician”; and (b) under such circumstances, a need to ensure continuity of care for the patients “until another collaborative practice agreement is established.”

RESPONSE: The Boards of Nursing and Healing Arts acknowledged the comment but also wanted to clarify that the proposed amendment does not allow for continuation of patient care by an advanced practice nurse in the absence of a collaborative practice arrangement. Granting of a waiver would only impact the one (1) calendar month common-site collaboration requirement. The boards concurred to leave the existing amendment language in place.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 150—State Board of Registration for the
Healing Arts
Chapter 8—Licensing of Clinical Perfusionists**

ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 324.144, 324.159 and 324.183, RSMo 2000, the board amends a rule as follows:

**4 CSR 150-8.140 Continuing Professional Education
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (27 MoReg 139). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 196—Landscape Architectural Council
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the Landscape Architectural Council under section 327.031, RSMo Supp. 2001, the council rescinds a rule as follows:

4 CSR 196-1.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2146–2147). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 334.104.3, RSMo Supp. 2002 and 335.036, RSMo 2000, the board amends a rule as follows:

4 CSR 200-4.200 Collaborative Practice is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2150–2151). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A total of two (2) written letters of comment were submitted to the Boards of Nursing and Healing Arts regarding this proposed rule amendment. The State Board of Registration for the Healing Arts received one (1) written comment in opposition to the proposed change. The State Board of Nursing received one (1) written comment in support of the proposed change. No public hearing was held.

COMMENT: The Missouri State Medical Association (MSMA) submitted one (1) written comment to the State Board of Registration for the Healing Arts. MSMA opposed the rule amendment citing the following points: (a) inability to “imagine a scenario wherein a mere thirty (30) days of common-site collaboration between physician and nurse,” an important patient-safety provision, could warrant waiver in an isolated incident or two; (b) concern about future boards’ interpretation of what “seems to be a very lax standard” of language used

to identify emergency situations; and (c) belief that the approval process of both boards, as a matter of practicality, “would need close to thirty (30) days” to address the waiver request.

RESPONSE: The Boards of Healing Arts and Nursing acknowledged the comment but decided that it was important for the boards to have the option to consider a waiver to the one (1) calendar month common-site collaboration. Anecdotically, there have been at least four (4) instances reported that might have prompted such a waiver request. These situations involved collaborating physician accidental death, incapacitating illness, and abrupt termination of employment and/or collaborative practice arrangement. Recognizing that consistent and expeditious handling of waiver requests will be necessary, the boards will utilize written guidelines. The boards concurred to leave the existing amendment language in place.

COMMENT: The Missouri Nurses Association (MONA) submitted one (1) written comment to the State Board of Nursing. MONA supported the rule amendment citing the following points: (a) awareness of advanced practice nurses being confronted by instances of untimely physician termination, ranging “from death of the collaborating physician to abandonment of the practice by the collaborating physician”; and (b) under such circumstances, a need to ensure continuity of care for the patients “until another collaborative practice agreement is established.”

RESPONSE: The Boards of Nursing and Healing Arts acknowledged the comment but also wanted to clarify that the proposed amendment does not allow for continuation of patient care by an advanced practice nurse in the absence of a collaborative practice arrangement. Granting of a waiver would only impact the one (1) calendar month common-site collaboration requirement. The boards concurred to leave the existing amendment language in place.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.140, RSMo 2000 and 338.220, RSMo Supp. 2001 and the Omnibus State Reorganization Act of 1974 (Appendix B), the board amends a rule as follows:

4 CSR 220-2.020 Pharmacy Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 9–10). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.020, 338.035, 338.040, 338.070, 338.140 and 338.280, RSMo 2000 and 338.030, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 220-2.030 Educational and Licensing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2268). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.010.1, 338.015.2, 338.140 and 338.280, RSMo 2000, the board withdraws a rule as follows:

4 CSR 220-2.190 Patient Counseling is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2268). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: One comment was received from the Missouri State Medical Association (MSMA) in opposition to the rule. The commentator feels the amendment is vague and does not identify the problem the board is attempting to resolve. MSMA stated the proposed terminology raises the specter of therapeutic substitution, to which they are adamantly opposed. MSMA believes the existing rules and statutes already require the pharmacist to maintain patient records, to consult with patients about safe and effective use of drugs and to take steps necessary to optimize drug therapy. They do not feel the additional language regarding drug appropriateness is necessary.

RESPONSE: After a detailed discussion of the proposed amendment, it was the board's decision to withdraw this amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.140, 338.240 and 338.280, RSMo 2000 and 338.210 and 338.220, RSMo Supp. 2001, the board amends a rule as follows:

4 CSR 220-2.650 Standards of Operation for a Class J: Shared Services Pharmacy is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 21). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.013 and 338.140, RSMo 2000, the board amends a rule as follows:

4 CSR 220-2.700 Pharmacy Technician Registration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 16, 2002 (27 MoReg 2268–2269). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 230—State Board of Podiatric Medicine
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Podiatric Medicine under sections 330.095 and 330.140, RSMo 2000, the board amends a rule as follows:

4 CSR 230-2.070 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 139–140). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 1—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Committee for Social Workers under sections 337.065, 337.600, and 337.627, RSMo 2000 and 337.650, 337.653, 337.665, 337.674, 337.686 and 337.689, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-1.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2169). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter suggested that language be added to include the licensing of baccalaureate social work statutory reference in subsections (1)(D) and (1)(H). Additionally, NASW suggested section 337.653.4(2), RSMo be deleted from subsection (1)(H) due an inappropriate citing. The word “generalist” is not used in sections 337.650 to 337.689, RSMo for licensed baccalaureate social work. Section 337.650(6), RSMo refers to the “practice of baccalaureate social work,” therefore, NASW asked that consistency of wording and appropriate referencing be maintained.

RESPONSE AND EXPLANATION OF CHANGE: The committee concurred with the recommended language changes for subsections (1)(D), (1)(H), and (1)(M) and amended the text of the rule.

4 CSR 263-1.010 Definitions

(1) The words defined in sections 337.600–337.633, RSMo shall have the same meaning when used in these rules, unless the context plainly requires a different meaning.

(D) “Registrant” shall mean an individual who has submitted an application for registration of supervision or an individual whose application for registration of supervision has been approved by the committee, who has completed the educational requirements for licensure as a clinical social worker or as a baccalaureate social worker, and who is engaged in a program of supervised social work experience as described in sections 337.615, RSMo and 337.665, RSMo in an agency, organization or private setting, but who has not met the other requirements for licensure.

(H) “Client” means any individual, couple, family, group, organization or community for whom the practice of licensed social work, as defined in sections 337.600(6), 337.650(6), 337.653.2(3) and (8), 337.686(1) and (6) and 337.689, RSMo, is provided.

(M) “Licensed social work” is any baccalaureate or clinical practice by a licensed social worker for a client.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 263—State Committee for Social Workers Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.627, RSMo 2000 and 337.622 and 337.677, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-1.015 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2170). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 263—State Committee for Social Workers Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.627, RSMo 2000 and 337.677 and

620.010.15(6), RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-1.025 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2170). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

COMMENT: No written comments were received, however, after reviewing the rules as published in the *Missouri Register*, the committee noted that statutory references in section (7) were not included in the text of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The committee amended the authority sections cited within the text of section (7).

4 CSR 263-1.025 Complaint Handling and Disposition

(7) The division interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect or inure to the benefit of those licensees or other persons against whom the committee had instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 337.600–337.689, RSMo or any rules promulgated by the committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 263—State Committee for Social Workers Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.627, RSMo 2000 and 337.612, 337.677 and 620.010.15(6), RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-1.035 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2170–2171). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: In order to maintain consistency as set forth in subsection (1)(A) the National Association of Social Workers (NASW) — Missouri Chapter suggested that language be added to subsection (1)(D) to include section 337.650(5), RSMo as it references the “licensed baccalaureate social worker.” NASW also questioned why a fee for provisional licensed baccalaureate social work was not established. According to section 337.650(7), RSMo provisional is a recognized level of licensure for these individuals. The *Missouri Register*, proposed rule, page 2176 indicated this level of licensure has a fiscal note for processing but it has not been reflected in a fee. NASW further questioned why a new category of fees has been created in subsection (1)(G) and has a cost two (2) times the original late renewal fee as established in subsection (1)(D). Sections 337.600–337.689, RSMo did not indicate in statute a fee change/restructure

for this process. 4 CSR 263-1.035 Fees reflects a substantial excess of revenue that will be burdensome to the registrant and possibly will even hinder them from obtaining licensure at this level. NASW opposes the fee structure for licensed baccalaureate social workers versus licensed clinical social workers as set forth in 4 CSR 263-1.035.

RESPONSE AND EXPLANATION OF CHANGE: The committee concurred with the recommendation to maintain consistency when referencing licensed baccalaureate social workers and amended subsection (1)(D). The committee further noted in developing the fiscal notes, the total public entity costs were determined by using allotment figures for personal service, expense and equipment, and transfers (which includes rent and utilities) based on actual costs incurred by the committee. The fees were then set to accommodate the projected costs of administering the committee based on the number of licensed social workers in the state.

4 CSR 263-1.035 Fees

(1) The following fees are established by the committee and are payable in the form of a cashier's check, personal check or money order:

(D) Application/Initial License Fee as a Licensed Baccalaureate Social Worker

- | | |
|---|----------|
| 1. October–January (two (2)-year license) | \$200.00 |
| 2. February–May (one and one-half (1 1/2)-year license) | \$150.00 |
| 3. June–September (one (1)-year license) | \$100.00 |

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.627, RSMo 2000 and 337.612 and 337.615, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.020 Educational Requirements for Licensed Clinical Social Workers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2171). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.665 and 337.677.1, RSMo Supp. 2001, the committee adopts a rule as follows:

4 CSR 263-2.022 Education Requirements for Licensed Baccalaureate Social Workers is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2171). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600 and 337.627, RSMo 2000 and 337.612, 337.615, 337.650, 337.662, 337.665 and 337.677, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2171–2172). Sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW) – Missouri Chapter noted that subsection (2)(B) is referenced in subsection (2)(A) but was not published in the *Missouri Register*. The new language added in subsection (2)(C) will make social workers ineligible to obtain licensure by reciprocity based on 4 CSR 263-2.060(1) and sections 337.600–337.639, RSMo since their supervision will have been completed in another state and not pre-approved by the Missouri State Committee of Social Workers. A similar concern applies to the Academy of Certified Social Workers (ACSWs) within the state of Missouri which are not licensed but may decide to apply for the licensed clinical social worker license. The ACSW has obtained three thousand (3,000) hours of supervision for this credential, but have not had the Missouri State Committee for Social Workers pre-approve the supervision. There are also a number of baccalaureate social workers throughout the state that currently qualify for the licensed baccalaureate social worker license and should be provided the opportunity to use their prior supervised experience without penalty to obtain the licensure. NASW also noted section 337.600(6), RSMo defines the practice of clinical social work and 337.650(6), RSMo defines the practice of baccalaureate social work. The supervised experience of these two (2) areas of practice are not the same and must be identified separately. NASW suggested subsection (2)(C) be amended to state: “The practice of clinical or baccalaureate social work of the supervisee shall be performed under the oversight, guidance, control and full professional responsibility of the supervisor, where practicable, or exempt those applying through reciprocity or who have received supervision prior to the rule to be pre-approved by the committee, in compliance with all laws and regulations relating to the practice of clinical or baccalaureate social work.” NASW also noted that sections 337.650, 337.665, 337.662, RSMo 2000 and 337.677, RSMo Supp. 2001 were omitted for the Authority section of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: Only subsections containing changes to the text are printed in the *Missouri Register*. Since no change was made to the text of (2)(B) the subsection was not reprinted as part of the proposed amendment. The

committee agreed that some applicants could be negatively affected by the pre-approved supervision provision and made changes to the text of the rule. The committee also made changes within the Authority section of the rule.

4 CSR 263-2.030 Supervised Licensed Social Work Experience

(2) Acceptable supervised licensed social work experience has the following characteristics:

(C) The practice of clinical or baccalaureate social work of the supervisee shall be performed under the oversight, guidance, control and full professional responsibility of the supervisor, pre-approved by the committee, in compliance with all laws and regulations relating to the practice of social work. In the event the applicant fails to pre-approve their supervisor(s), or are applying through reciprocity, the committee may review the supervision for compliance and consideration for licensure.

AUTHORITY: sections 337.600 and 337.627, RSMo 2000 and 337.612, 337.615, and 337.650, 337.662, 337.665, and 327.677, RSMo Supp. 2001.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600 and 337.627, RSMo 2000 and 337.612, 337.615, 337.665 and 337.677, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.031 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2172–2173). Sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: After reviewing the rules as published in *Missouri Register*, the committee made a change to subsection (1)(B) of the text.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(B) was amended to remove the word “clinical” with respect to the type of social work experience to be supervised by a licensed clinical or baccalaureate social worker whose license has been subject to probation, suspension or revocation.

COMMENT: Registrants for licensure of chapter 337.600–337.689 will not be receiving clinical supervision based on section 337.653, RSMo. The National Association of Social Workers (NASW)—Missouri Chapter suggested the word “clinical” be removed from subsection (1)(B) since it is referring to both licensures. Sections 337.600–337.689, RSMo does not define the “practice of social work.” Section 337.600(6), RSMo defines the practice of clinical social work and section 337.650(6), RSMo defines the practice of baccalaureate social work. The supervised experience of these two (2) areas are not the same and must be identified separately. Therefore, NASW further suggested section (2) be amended to state: “The practice of clinical or baccalaureate social work of the supervisee shall be performed under the supervisor’s control, oversight, guidance and full professional responsibility.”

RESPONSE AND EXPLANATION OF CHANGE: The committee concurred with the recommended language for section (2) and amended the text of the rule.

4 CSR 263-2.031 Acceptable Supervisors and Supervisor Responsibilities

(1) An acceptable supervisor for clinical social worker licensure is a Missouri licensed clinical social worker or licensed clinical social worker from another state whose licensure laws, as determined by the committee, are equivalent to Missouri. An acceptable supervisor for baccalaureate social worker licensure is a Missouri licensed clinical social worker or licensed clinical social worker from another state, or a Missouri licensed baccalaureate social worker or licensed baccalaureate social worker from another state, whose licensure laws, as determined by the committee, are equivalent to Missouri. The acceptable supervisor cannot be a relative of the supervisee.

(B) A licensed clinical social worker or licensed baccalaureate social worker whose license has been subject to probation, suspension or revocation may be prohibited from providing supervised social work experience in Missouri. The licensed social worker shall not supervise during the period the license is under discipline.

(2) The practice of clinical or baccalaureate social work of the supervisee shall be performed under the supervisor’s control, oversight, guidance and full professional responsibility. This shall include all applicable areas of practice including but not limited to:

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600 and 337.627, RSMo 2000 and 337.612, 337.615, 337.665, and 337.677, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.032 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2173). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter noted the language of section (1) indicates a social worker shall register their supervision for approval with the committee which will cause several categories of social workers applying for this licensure to become ineligible. Reciprocity candidates and baccalaureate social workers who currently qualify for the licensed baccalaureate social worker license should be provided the opportunity to use their prior supervised experience. Therefore, NASW suggested section (1) be amended to state: “Supervised social work experience shall be registered where practicable, or exempt those applying through reciprocity or who have received supervision prior to the rule for approval by the committee. This will ensure that the supervision is acceptable to the committee prior to applying for licensure.” Sections 337.600–337.689, RSMo does not define “social work.” Section 337.600(6), RSMo defines the practice of clinical social work and section 337.650(6), RSMo defines the practice of baccalaureate social work. Therefore, NASW also suggested amending section (4) to state: “The applicant for registration of supervision shall provide clinical or baccalaureate social work under

the order, control, oversight, guidance, and full professional responsibility of the approved registered supervisor at the setting(s) approved by the committee.”

RESPONSE AND EXPLANATION OF CHANGE: The committee concurred with the recommended language for section (4) and amended the text of the rule. The committee discussed the comments received regarding section (1), however, the committee voted to make no change to the text of the rule.

4 CSR 263-2.032 Registration of Supervised Social Work Experience

(4) The applicant for registration of supervision shall provide clinical or baccalaureate social work under the order, control, oversight, guidance, and full professional responsibility of the approved registered supervisor at the setting(s) approved by the committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.627 and 337.630, RSMo 2000 and 337.612 and 337.615, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.045 Provisional Licensed Clinical Social Worker is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2173–2174). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter stated that Missouri has only one (1) tier of licensure for a master’s degree social worker, the licensed clinical social worker. The master’s degree has two (2) areas of concentration, macro and micro practice, which apply for this licensure. By the removal of the advanced exam, the State Committee of Social Workers has limited the options for social workers to take the exam equivalent to their concentration to obtain licensure in Missouri. NASW requested the State Committee of Social Workers maintain the advanced exam for licensed clinical social workers in Missouri. **RESPONSE:** The committee discussed the comment during their review and voted to make no changes to the text of the rule based on the comment at this time.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.653, 337.665 and 337.677, RSMo Supp. 2001, the committee adopts a rule as follows:

4 CSR 263-2.047 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2174–2177). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter stated sections 337.600–337.689, RSMo do not define social work and section 337.650(6), RSMo defines the practice of baccalaureate social work. Therefore, NASW suggested section (5) be amended to state: “The applicant for provisional baccalaureate social work licensure shall provide baccalaureate social work as defined in section 337.653.1 RSMo, under the order, control, oversight, guidance, and full professional responsibility of the approved registered supervisor at the setting(s) approved by the committee.” NASW further noted that section 337.653.1, RSMo does not directly cite the practice for this licensure category, therefore, section (5) needs to cite a definition for baccalaureate social work which is not defined within sections 337.600–337.689, RSMo. Additionally, NASW noted that section 337.665.4, RSMo cites a specific part of section (5) and should be included in the Authority section of the rule. NASW stated the Public Fiscal Note indicates there is a cost for the provisional licensure of baccalaureate social workers, however, 4 CSR 263-1.035 Fees, does not reflect the same cost for this licensure category.

RESPONSE AND EXPLANATION OF CHANGE: The board concurred with the recommended language for section (5) and amended the text of the rule.

COMMENT: NASW requested the State Committee of Social Workers provide the reason for this licensure category being omitted from the fee structure when it clearly shows a cost.

RESPONSE AND EXPLANATION OF CHANGE: The committee does not currently charge clinical social workers for the provisional license, therefore, to maintain consistency, the committee will not charge a fee for the baccalaureate social worker provisional license.

4 CSR 263-2.047 Provisional Licensed Baccalaureate Social Worker

(5) The applicant for provisional baccalaureate social work licensure shall provide baccalaureate social work as defined in section 337.653.1, RSMo, under the order, control, oversight, guidance, and full professional responsibility of the approved registered supervisor at the setting(s) approved by the committee.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.627 and 337.630, RSMo 2000 and 337.612 and 337.615, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.050 Application for Licensure as a Clinical Social Worker is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2178). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter stated Missouri only has one tier of licensure for a master's degree social worker, the licensed clinical social worker. The master's degree has two (2) areas of concentration, macro and micro practice, which apply for this licensure. By the removal of the advanced exam, the State Committee of Social Workers has limited the options for social workers to take the exam equivalent to their concentration to obtain licensure in Missouri. Therefore, NASW requests the State Committee of Social Workers maintain the advanced exam for the licensed clinical social worker in Missouri. NASW further noted the Public Entity Fiscal Note indicates there is a processing cost of approximately \$124.28 for the Application of Licensure as a Licensed Baccalaureate Social Worker while 4 CSR 263-1.035 Fees, indicates \$200 fee. The State Committee of Social Workers in accordance with section 337.662.4, RSMo shall set fees at a level to produce revenue, which shall not substantially exceed the cost and expense of administering the provisions of sections 337.600–337.689, RSMo. 4 CSR 263-1.035 Fees, reflects a substantial excess of revenue that will be burdensome to the registrant and possibly will even hinder them from obtaining licensure at this level. NASW opposes the fee structure for licensed baccalaureate social workers versus licensed clinical social workers as set forth in 4 CSR 263-1.035. NASW also noted the Private Entity Fiscal Note estimates twenty (20) individuals will apply for licensure of baccalaureate social workers annually. The estimated number of individuals who will apply for this licensure is not accurately reflected in this fiscal note. NASW—Missouri Chapter currently has a roster with over twenty (20) baccalaureate social workers interested in obtaining a licensed baccalaureate social worker license in Missouri. These social workers have met a percentage of the licensure requirement and criteria set forth in statute under sections 337.650–337.689, RSMo.

RESPONSE: The committee discussed the advanced examination during their review and voted to make no changes to the text of the rule at this time. The committee further noted in developing the fiscal notes, the total public entity costs were determined by using allotment figures for personal service, expense and equipment, and transfers (which includes rent and utilities) based on actual costs incurred by the committee. The fees were then set to accommodate the projected costs of administering the committee based on the number of licensed social workers in the state.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.665 and 337.677.1, RSMo Supp. 2001, the committee adopts a rule as follows:

4 CSR 263-2.052 Application for Licensure as a Licensed Baccalaureate Social Worker **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2178–2181). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter requested the State Committee of Social

Workers request clarification in regard to the Public Entity Fiscal Note, specifically that the committee provide an explanation of where the \$6.21 total annual cost of compliance for the life of the rule is incorporated into the section on Licensure by Reciprocity as a Licensed Baccalaureate Social Worker as presented in the Private Entity Fiscal Note. NASW requested the committee provide a breakdown of how the fee of two hundred twenty-five dollars (\$225) was estimated for licensure by reciprocity as a licensed baccalaureate social worker.

RESPONSE: Pursuant to section 337.662.4, fees shall be set at a level to produce revenue, which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689, RSMo. The committee is committed to only charging those fees necessary to ensure it is able to administer section 337.650 to 337.689, RSMo. In addition, the committee is prohibited from maintaining a fund balance in excess of three (3) times its appropriation. However, in order to protect the public, the committee is required to investigate complaints that are received against licensees. Because the committee does not have statutory authority to impose fines to recoup costs from investigations, the cost for investigations is paid out of the social worker fund, which is comprised of the fees collected from applicants and licensees. Additionally staff salaries, board meeting costs, rent, utilities, division and department overhead costs, and other expenses necessary to the daily operation of the committee are also paid out of the social worker fund.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.627 and 337.630, RSMo 2000 and 337.615, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.060 Licensure by Reciprocity as a Licensed Clinical Social Worker **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2182). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.665 and 337.677.1, RSMo Supp. 2001, the committee adopts a rule as follows:

4 CSR 263-2.062 Licensure by Reciprocity as a Licensed Baccalaureate Social Worker **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2182–2185). No changes have been made to the text of the

proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter requested the State Committee of Social Workers request the committee provide an explanation of the public and private entity fiscal notes and a breakdown of how the fee was estimated for this licensure category.

RESPONSE: In developing the fiscal notes, the total public entity costs were determined by using allotment figures for personal service, expense and equipment, and transfers (which includes rent and utilities) based on actual costs incurred by the committee. The fees were then set to accommodate the projected costs of administering the committee based on the number of licensed social workers in the state. Pursuant to section 337.662.4, fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.650 to 337.689, RSMo. The committee is committed to only charging those fees necessary to ensure it is able to administer sections 337.650 to 337.689, RSMo. In addition, the committee is prohibited from maintaining a fund balance in excess of three times its appropriation. However, in order to protect the public, the committee is required to investigate complaints that are received against licensees. Because the committee does not have statutory authority to impose fines to recoup costs from investigations, the cost for investigations is paid out of the social worker fund, which is comprised of the fees collected from applicants and licensees. Additionally staff salaries, board meeting costs, rent, utilities, division and department overhead costs, and other expenses necessary to the daily operation of the committee are also paid out of the social worker fund.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.621, 337.627 and 337.630, RSMo 2000, the committee amends a rule as follows:

4 CSR 263-2.070 Temporary Permits for Licensed Clinical Social Workers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2186). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.665, 337.671 and 337.677.1, RSMo Supp. 2001, the committee adopts a rule as follows:

4 CSR 263-2.072 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2186). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter stated that registrants for licensure in section 337.600–337.689, RSMo will not be practicing clinical social work based on section 337.650, RSMo. Section 337.650–337.689, RSMo does not define social work. Section 337.650(6), RSMo defines the practice of baccalaureate social work. Therefore, NASW recommended section (2) state: “Temporary permit applicants must submit to the committee the application for reciprocity form and fee, along with the verification form, provided by the committee, completed by the regulatory entity verifying that the individual holds a valid, unrevoked, undisciplined, unrestricted, unexpired license as a baccalaureate social worker in that state, territory, province or country whose licensing or certification requirements are substantially similar to those in Missouri, as determined by the committee. The applicant has the burden of providing the information necessary for determination of this issue.” Additionally, NASW recommended section (5) state: “Individuals who have temporary permits are subject to the statutes and regulations promulgated by the committee governing the practice of baccalaureate social work.”

RESPONSE AND EXPLANATION OF CHANGE: The board concurred with the recommended language for sections (2) and (5) and amended the text of the rule.

4 CSR 263-2.072 Temporary Permits for Licensed Baccalaureate Social Workers

(2) Temporary permit applicants must submit to the committee the application for reciprocity form and fee, along with the verification form, provided by the committee, completed by the regulatory entity verifying that the individual holds a valid, unrevoked, undisciplined, unrestricted, unexpired license as a baccalaureate social worker in that state, territory, province or country whose licensing or certification requirements are substantially similar to those in Missouri, as determined by the committee. The applicant has the burden of providing the information necessary for determination of this issue.

(5) Individuals who have temporary permits are subject to the statutes and regulations promulgated by the committee governing the practice of baccalaureate social work.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 263—State Committee for Social Workers Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.627 and 337.630, RSMo 2000 and 337.612, 337.618, 337.677 and 337.680, RSMo Supp. 2001, the committee amends a rule as follows:

4 CSR 263-2.075 Renewal of License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2,

2002 (27 MoReg 2186–2190). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The National Association of Social Workers (NASW)—Missouri Chapter noted that the Public Entity Fiscal Note estimated a processing cost of three thousand six hundred twenty-nine dollars and three cents (\$3,629.03) for the renewal of licensure. NASW requested the State Committee for Social Workers provide a breakdown of how the one hundred (\$100) renewal fee was estimated for the renewal of licensure as presented in the private entity fiscal note. The private entity fiscal note estimated forty-six (46) licensed baccalaureate social workers will renew their license biennially. However, the private entity fiscal note for 4 CSR 263-2.052 Application for Licensure as a Licensed Baccalaureate Social Worker, estimates twenty (20) individuals will apply for licensure annually and the private entity fiscal note for 4 CSR 263-2.062 Licensure by Reciprocity as a Licensed Baccalaureate Social Worker, estimates that one (1) individual will apply for licensure annually. NASW requested the State Committee of Social Workers provide an explanation of the other four (4) social work licensures having a fiscal impact on the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: A revised fiscal note will be filed with the final order of rulemaking.

PRIVATE ENTITY FISCAL NOTE

REVISED

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 263 - State Committee for Social Workers

Chapter 2 - Licensure Requirements

Proposed Amendment 4 CSR 263-2.075 Renewal of License

Prepared May 13, 2002 by the Division of Professional Registration/State Committee for Social Workers

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
42	Licensed Baccalaureate Social Worker (renewal fee @ \$100)	\$4,200.00
1	Licensees (delinquent fee @ \$100)	\$100.00
1	Licensees (restoration of a lapsed license fee @ \$100)	\$100.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$4,400.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board estimates that 42 licensed baccalaureate social workers will renew their license biennially.
2. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.720 and 161.092, RSMo Supp. 2002, the board adopts a rule as follows:

5 CSR 50-340.150 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2193–2195). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education received one hundred twenty-nine (129) comments on the proposed rule.

COMMENT: One (1) comment supported the rule as a whole while eleven (11) comments specifically mentioned supporting the idea of not being placed on a priority school list until the school has not met any Missouri Assessment Program (MAP) standards for two (2) years, one (1) comment wants schools to be removed from the priority school list if they meet MAP standards for one (1) year not two (2) years.

COMMENT: Eight (8) comments were opposed to the naming of any priority schools.

COMMENT: One (1) comment questioned students transferring when there is only one (1) building with that grade level in a district.

COMMENT: Three (3) comments questioned the retention and recruitment of teachers in a priority school asking if all teachers need a mentor or must pass a test, with one (1) comment wanting more planning time for teachers and wanting to use the enhancing Missouri's Instructional Networked Teaching Strategies (eMINTS) training, and one (1) comment questioned the desirable class sizes.

COMMENT: Three (3) comments questioned the flexibility and assistance specifically with this program with two (2) comments wanting more flexibility in intervention.

COMMENT: One (1) comment requested that the State Board of Education decline to designate any school or district as academically deficient, unaccredited, or provisionally accredited between March 1 and July 1.

COMMENT: One (1) comment questioned if subparagraph (2)(A)2.C. should include statutory language.

RESPONSE: The State Board of Education carefully reviewed the comments and decided to make no changes.

COMMENT: Twenty-four (24) comments questioned the use of the MAP test especially to evaluate a high school, many suggested using the additional standard of the ACT test to evaluate a high school, six (6) comments questioned retesting to be removed as a priority school and the costs associated, two (2) comments questioned the Missouri School Improvement Program (MSIP) scoring guide being used to evaluate buildings, and one (1) comment questioned the training of MAP scorers.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education carefully reviewed the comments and will follow the legislation's mandate but clarifies the cost issues in part (2)(A)2.B.(IV). Subsection (2)(A) is reprinted here for clarity.

COMMENT: One hundred seven (107) comments were opposed to DESE utilizing data from the 2000–2001 and 2001–2002 school years to determine priority schools. Sixty-four (64) comments urged

the use of 2002–2003 and 2003–2004 data, while forty-four (44) comments urged the use of 2001–2002 and 2002–2003 data for determination of priority schools.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education has carefully reviewed the comments and clarified that the data begins in the 2002–2003 school year. Subsection (1)(A) is reprinted here for clarity.

COMMENT: Fourteen (14) comments questioned the individual performance plan (IPP) with eight (8) comments specifically requesting that the principal be included in the IPP, two (2) comments questioned the cost of an IPP, one (1) comment sought stronger language regarding the IPP meeting, and one (1) comment questioned the discontinuation of an IPP.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education carefully reviewed the comments and made changes to part (2)(A)2.B.(I) clarifying the inclusion of a building administrator in the IPP and part (2)(A)2.B.(III) clarifying the IPP meeting. Subsection (2)(A) is reprinted here for clarity.

COMMENT: One (1) comment stating that subparagraph (2)(A)2.F. appeared to require all the factors to be included in the district's resource reallocation plan rather than one (1) factor.

RESPONSE AND EXPLANATION OF CHANGE: The State Board of Education carefully reviewed the comment and decided to clarify subparagraph (2)(A)2.F. Subsection (2)(A) is reprinted here for clarity.

5 CSR 50-340.150 Priority Schools

(1) The Department of Elementary and Secondary Education (DESE) shall designate priority school districts and priority school buildings.

(A) Identification of priority school districts and priority school buildings is based upon the following:

1. Academically deficient school buildings pursuant to applicable state laws and regulations;
2. Unaccredited or provisionally accredited school districts pursuant to applicable state laws and regulations; and/or
3. School districts and/or buildings which do not meet any of the Missouri Assessment Program (MAP) grade span and reading standards as based on the district's or building's annual performance report (APR) for two (2) successive years beginning in 2002–2003 school year.

(2) Priority school districts and/or buildings shall submit a comprehensive school improvement plan which includes:

- (A) An accountability compliance statement which must:
1. Identify and analyze student performance deficiency areas by school, grade and academic content areas;
 2. Provide a comprehensive strategy addressing student performance deficiency areas which includes:
 - A. Alignment of curriculum with deficiency areas;
 - B. Development of an individual performance plan (IPP) for a student performing at the lowest achievement level or level not determined (LND) on the MAP and is not under an individualized education plan (IEP) and receiving special education services. The IPP shall:
 - (I) Be developed by the student's parent, guardian or other adult responsible for the student's education, the student's teacher(s) and building administrator;
 - (II) Outline the responsibilities of the parties involved including those of the student, parents, teacher(s) and building administrator;
 - (III) Require good faith on all parties in implementing the IPP and require the parents, guardian, or other responsible adult to make reasonable efforts to meet with the teacher when requested or required by the plan; and

(IV) Allow additional instruction time and require a student in grades nine through twelve (9–12) in a priority school district and/or building so designated by January 1 of the school year to retake the MAP during that school year. Students grades nine through twelve (9–12) in a priority school district and/or building so designated after January 1 of the school year must retake the MAP during the following school year, if funding is provided through legislative appropriation for such tests;

C. Focusing professional development funds in the areas of academic need;

D. Creation of programs to improve teacher and administrator effectiveness which includes but is not limited to:

(I) Professional development for all certificated staff which includes one (1) of the following:

(a) Participation in a mentoring program established pursuant to the rules promulgated by the board;

(b) Certification as a MAP scorer; and/or

(c) Enrollment and satisfactorily progressing towards National Board Certification;

(II) Any individual is exempt from the professional development as listed above if the individual has:

(a) Taken or takes the appropriate content knowledge specialty area exit assessment and achieves the qualifying score on that exit assessment as promulgated in the rules by the board;

(b) National Board Certification;

(c) Been a certified scorer for the MAP;

(d) Designated by DESE as a regional resource teacher;

(e) Served as a mentor teacher for one (1) year in a program approved by the board; or

(f) Completed an appropriate administrator academy pursuant to applicable state laws and regulations;

E. Establishment of school accountability councils or aligning existing parent advisory councils pursuant to applicable state laws and regulations;

F. Development of a district resource reallocation plan which includes but is not limited to one (1) of the following:

(I) Reduction in class size in the academically deficient areas;

(II) Establishment of:

(a) Full-day kindergarten;

(b) Preschool programs;

(c) Afterschool tutoring and other programs which extend time for learning;

(d) Programs of teacher home visitation; or

(e) "School within a school" program; or

(III) Employment of DESE approved regional resource teachers or national board certified teachers; and

G. Evaluation of the need to implement strategies in any feeder schools of the priority school;

3. Disclose the student performance deficiency areas in the school report card pursuant to applicable state laws and regulations; and

4. Review school discipline provisions pursuant to applicable state laws and regulations; and

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 850—Professional Development**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.720 and 161.092, RSMo Supp. 2002, the board adopts a rule as follows:

5 CSR 80-850.045 Mentoring Program Standards is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2198–2199). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.020 Scope and Application is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 27). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.050 New Installations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 27). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 27–32). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.070 Accessibility to the Disabled is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 32-33). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.080 Alterations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 33). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.120 Inspectors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 33). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 143.431, RSMo 2000, the director amends a rule as follows:

12 CSR 10-2.045 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2203-2208). Changes have been made, and the sections with change are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) comments from two (2) different commentors on its proposed amendment to regulation 12 CSR 10-2.045. The Joint Committee on Administrative Rules requested a hearing on this amendment; the department is making a change in section (35).

COMMENT: The comment stated that the new elections under the new amended regulation create additional paperwork, and could potentially create a trap for unwary taxpayers.

RESPONSE: The comment appears to be about requiring permission to file a consolidated return after the Missouri Supreme Court decision in *General Motors Corp. v. Director of Revenue*, 981 S.W.2d 561 (Mo. banc 1998). The comment addresses a taxpayer that began filing a consolidated return after the Court's decision. The only provision requiring permission to file a consolidated return is in section (17). Once a group is disqualified under section (16), it may not file a consolidated return for five (5) years unless it receives permission under section (17). Section (17) is not relevant to the situation set forth in the comment. The proposed amendment does not create a permission requirement for the situation presented in the comment. The department has not made a change to the proposed amendment in response to this comment.

COMMENT: The comment concerns two different situations regarding the election to change the interstate division of income method. The first situation concerns the affiliated group's election of an apportionment method for a tax year without being required to use the same apportionment method as was used on the prior tax year's return. The second situation concerns the affiliated group's election of a different apportionment method for a tax year after it has filed its return for that tax year.

RESPONSE AND EXPLANATION OF CHANGE: As to the first situation in this comment, section (20) requires the affiliated group to continue to use the method of apportionment that it elected for its first consolidated return for all subsequent periods. As to the second situation in this comment, section (21) prohibits the affiliated group from changing its apportionment method for a tax year after the due date of the return for that tax year.

The comment would change section (20) to allow an affiliated group electing to file a consolidated return the choice of using the interstate division of income (apportionment) method from one (1) year to the next, similar to the choices available to a stand-alone corporation. The department agrees to make a change in the wording of section (20) to effectuate this position.

The comment would change section (21) to allow an affiliated group to change its apportionment method after it has filed its consolidated return. An affiliated group may elect an interstate division of income (apportionment) method for each tax year, as separate companies are allowed to do. As drafted, affiliated groups electing to file a consolidated return are treated the same as all other taxpayers and should not be allowed to change an election after the return is

filed and the due date has passed. This is necessary to prevent manipulation of the tax liability. This is in accord with the holding the Missouri Supreme Court's decision in *Bartlett & Company Grain v. Director of Revenue*, 649 S.W.2d 220 (Mo. banc 1983). The department has not made a change to the proposed amendment concerning this comment about section (21).

COMMENT: The comment proposes to eliminate language in section (35) that would allow the director to terminate the right of an affiliated group to continue filing Missouri consolidated returns. This is one of the remedies available if the director finds that the consolidated return does not clearly reflect the Missouri taxable income from Missouri sources provided in section 143.431.3(5), RSMo.

RESPONSE: Section 143.431.3(5), RSMo, allows the director to prescribe regulations not inconsistent with the provisions of Chapter 143 so that the tax liability of the consolidated group clearly reflects Missouri taxable income. The requirement in section 143.341.3(1), RSMo, for filing a consolidated return is now that a group files a federal consolidated return. It may be difficult to find that Missouri taxable income is not clearly reflected simply because a consolidated return is filed. Nevertheless, the statute authorizes the director to make such a determination. The *Suburban Newspapers of Greater St. Louis, Inc. v. Director of Revenue*, 975 S.W.2d 107 (Mo. banc 1998) case appears to say that if an apportionment method is followed correctly, Missouri income is clearly reflected. The Missouri Supreme Court made no comment about the Administrative Hearing Commission's holding that the director had such authority. *Suburban Newspapers of Greater St. Louis et al. v. Director of Revenue*, Case No. 95-000337 RI (Missouri Administrative Hearing Commission, September 15, 1997).

The regulation allows various adjustments to a consolidated return to insure Missouri income is properly reflected. As the comment does not accurately take into account the requirements of section 143.431.3(5), RSMo, the department has made no change to the proposed amendment concerning this comment.

COMMENT: The comment suggests that including intercompany sales in the apportionment computation distorts the measure of income-producing activity measured either by the sales factor portion of the three-factor apportionment computation or by the single factor computation. In any particular case, this distortion, if any, may favor either the taxpayer or the department.

RESPONSE: The purpose of filing a consolidated return is to treat the affiliated group as a stand-alone corporation is treated. A stand-alone corporation determines its sales apportionment factor, whether as part of the three-factor method or as part of the single factor method, based upon the economic realities of its transactions. The apportionment method is to determine the portion of business transacted in Missouri.

The election to file a consolidated return does not destroy the existence of separate corporate entities existing within the group. The inclusion of the intercompany sales in the apportionment factor, for an affiliated group electing to file a consolidated Missouri return, accomplishes the same result. The inclusion reflects the economic realities of the sales between members of the affiliated group and forms the basis for determining the portion of business transacted in Missouri by the group. The exclusion of the sales between members of the group would fail to reflect economic reality, and thus, distort the apportionment factor. This provision is consistent with the court's decision in *Department of Revenue v. Anheuser-Busch, Inc.*, 527 So. 877 (Fl. App. 1988). The department made no changes to the proposed amendment concerning this comment.

12 CSR 10-2.045 Missouri Consolidated Income Tax Returns

(20) Subsequent Missouri Consolidated Return Years. In the determination of Missouri consolidated taxable income (Missouri sources) for its second and succeeding Missouri consolidated return years, the affiliated group shall use the same interstate division of income

method as it used in its first year, or select a different interstate division of income method pursuant to section (18) of this rule.

(35) Revocation of Right to File Missouri Consolidated Return. The director of revenue, upon finding that the filing of Missouri consolidated returns by the affiliated group does not clearly reflect the Missouri taxable income derived from sources within Missouri and for the purpose of preventing avoidance of Missouri tax liability, may terminate the right of an affiliated group to file a Missouri consolidated return for that year or, in the alternative, may distribute, apportion or allocate items of income, deductions, credits or allowances between or among the members of the affiliated group so that the portion of the Missouri consolidated taxable income (all sources) as is derived from sources within Missouri is clearly reflected. The procedure outlined in sections 143.611-143.691, RSMo inclusive, shall be applicable to actions of the director of revenue under this section.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 26—Dealer Licensure

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.562, RSMo 2000, the director rescinds a rule as follows:

12 CSR 10-26.100 Advertising Regulation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 16, 2003 (28 MoReg 150). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 50—The County Employees' Retirement Fund Chapter 2—Membership and Benefits

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210-50.1260, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.020 Employee Contributions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 155). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 50—The County Employees' Retirement Fund Chapter 2—Membership and Benefits

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210-50.1260, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.040 Separation from Service Before Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 155). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.080 Source of Pension Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 156). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.090 Normal Retirement Benefit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 156). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 3—Creditable Service**

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Board under sections 50.1000, RSMo Supp. 2001 and 50.1210–50.1260, RSMo 2000, the board amends a rule as follows:

16 CSR 50-3.010 Creditable Service is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2003 (28 MoReg 157). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006, 192.020, 192.139, 210.040 and 210.050, RSMo 2000, the director amends a rule as follows:

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2003 (28 MoReg 36–48). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Aerospace Community Credit Union 1550 Country Club Plaza St. Charles, MO 63033-3889	Those who live or work in the remainder of St. Louis City, St. Louis County and St. Charles County that is not currently included in Aerospace Community Credit Union's field of membership and those who live or work in Lincoln County.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the **Missouri Register**.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
[Division 40—Division of Maternal, Child and
Family Health]
Division 45—Division of Nutritional Health and Services
Chapter 5—Food and Nutrition Programs**

IN ADDITION

The responsibility for regulating the food and nutrition programs has been transferred from the Division of Maternal, Child and Family Health to the Division of Nutritional Health and Services.

[19 CSR 40-5.010] 19 CSR 45-5.010 Special Supplemental Food Program for Women, Infants and Children (WIC)

[19 CSR 40-5.020] 19 CSR 45-5.020 State Funding for Extended Hours of the Special Supplemental Food Program for Women, Infants and Children (WIC) Clinics

[19 CSR 40-5.050] 19 CSR 45-5.050 Child and Adult Care Food Program (CACFP)

[19 CSR 40-5.060] 19 CSR 45-5.060 Summer Food Service Program (SFSP) for Children

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF LIMITED LIABILITY
COMPANY DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS
AGAINST RBA DEVELOPMENT,
L.L.C.**

On March 18, 2003, **RBA DEVELOPMENT, L.L.C.**, a Missouri Limited Liability Company, filed its Articles of Termination with the Missouri Secretary of State. Any claims against the L.L.C., should be sent to Carl C. Lang, 7733 Forsyth Blvd., Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and phone number of the claimant; the amount of the claim; the basis of the claim; and the date the claim arose.

All claims must be received by the L.L.C. within three (3) years after publication of this notice. Any claims not received by that date will be barred.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

**TO ALL CREDITORS OF AND CLAIMANTS AGAINST
THE PRESTON GROUP, LLC**

The Preston Group, LLC filed Articles of Termination with the Missouri Secretary of State on February 24, 2003. Claimants against the company must provide the following information:

- amount and nature of claim;
- name, address and telephone number of contact
- date that the claim was first incurred; and
- copies of any other supporting data.

The Preston Group, LLC must receive each claimant's written notice prior to **May 30, 2003**. All claims received after this date will be barred. Any suit to enforce claims duly served on the company must be commenced within three years of the date of this publication.

Please send claims to the following address:

**The Preston Group, LLC
c/o Karen Szykowski
701 Market Street
St. Louis, MO 63101-1873**

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

B3Z03154 Child Support Services and Collections 5/2/03
B3Z03173 Diversity Training-Statewide 5/2/03
B3E03240 Trash Collection Services-Farmington 5/5/03
B1E03276 Safety Supplies: WMD Protective Clothing 5/6/03
B3E03188 Janitorial Services-West Plains, MO 5/6/03
B3Z03162 Administration-Cafeteria Plan 5/6/03
B1E03235 Equipment: Vending Machines 5/7/03
B1E03264 Tractors 5/7/03
B1E03277 Paper, Computer 5/7/03
B1E03278 Aluminum License Plate 5/7/03
B1E03279 PVC Soling Compound 5/7/03
B1E03280 Hydro-Stripper 5/7/03
B3E03212 Janitorial Services-Warrensburg, MO 5/7/03
B3E03235 Trash Collection Services 5/7/03
B3E03243 Nursing Services 5/7/03
B1E03282 Fiberesin Sheets & Furniture 5/9/03
B3E03211 Janitorial Services-310 NW Englewood Drive 5/9/03
B1E03288 Kitchen Equipment 5/12/03
B3E03219 Physical Therapy Services 5/12/03
B1E03267 Emblems: Embroidered 5/13/03
B1Z03214 Airplane: Beechcraft King Air C90B 5/13/03
B3Z03086 Credit Card Services 5/14/03
B3E03208 HVAC Services-Jefferson City 5/15/03
B3Z03094 Intermediary for Missouri Afterschool Resource Center 5/16/03
B1E03289 Bakery Products: Central MO Area 5/19/03
B3E03213 MO State Nursing Board Investigative Services 5/19/03
B3Z02210 Collection Services-"Late Stage" 5/20/03
B3Z03139 Printing Services-Missouri Official Manual 5/21/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Proprietary Purchase-Power Path Adult Learning Kits, supplied by The TLP Group.

The Wind Solutions MesoMap, supplied by TrueWind Solutions.

- 1.) Lodging Research Reports, supplied by Smith Travel Research, Inc.
- 2.) Quality Improvement and Networking, supplied by the Missouri Hospital Association.
- 3.) Early Childhood Accreditation, supplied by the National Association for the Education of Young Children (NAEYC).

Hunter Education Manual and Materials, supplied by Kalkomey Enterprises, Inc.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266	28 MoReg 808	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 225		
1 CSR 40-1.090	Purchasing and Materials Management		28 MoReg 8	28 MoReg 808	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		28 MoReg 399 28 MoReg 707		
2 CSR 30-2.020	Animal Health		28 MoReg 399 28 MoReg 708 28 MoReg 708		
2 CSR 30-2.040	Animal Health		28 MoReg 400 28 MoReg 711		
2 CSR 30-6.020	Animal Health		28 MoReg 400		
2 CSR 70-16.010	Plant Industries		28 MoReg 308		
2 CSR 70-16.015	Plant Industries		28 MoReg 308		
2 CSR 70-16.020	Plant Industries		28 MoReg 309		
2 CSR 70-16.025	Plant Industries		28 MoReg 309		
2 CSR 70-16.030	Plant Industries		28 MoReg 312		
2 CSR 70-16.035	Plant Industries		28 MoReg 314		
2 CSR 70-16.040	Plant Industries		28 MoReg 314		
2 CSR 70-16.045	Plant Industries		28 MoReg 314		
2 CSR 70-16.050	Plant Industries		28 MoReg 315		
2 CSR 70-16.055	Plant Industries		28 MoReg 315		
2 CSR 70-16.060	Plant Industries		28 MoReg 316		
2 CSR 70-16.065	Plant Industries		28 MoReg 318		
2 CSR 70-16.070	Plant Industries		28 MoReg 318		
2 CSR 70-16.075	Plant Industries		28 MoReg 318		
2 CSR 80-5.010	State Milk Board		28 MoReg 637		
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R	28 MoReg 654R	
			27 MoReg 2053	28 MoReg 654	
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		28 MoReg 8	28 MoReg 567	
3 CSR 10-6.405	Conservation Commission		This Issue		
3 CSR 10-7.455	Conservation Commission		N.A.	28 MoReg 654	
3 CSR 10-9.110	Conservation Commission		28 MoReg 400		
3 CSR 10-9.230	Conservation Commission		28 MoReg 225	28 MoReg 808	
3 CSR 10-9.565	Conservation Commission		28 MoReg 401		
3 CSR 10-10.726	Conservation Commission		This Issue		
3 CSR 10-10.732	Conservation Commission		This Issue		
3 CSR 10-11.186	Conservation Commission		28 MoReg 402		
3 CSR 10-11.205	Conservation Commission		28 MoReg 402		
3 CSR 10-11.210	Conservation Commission		28 MoReg 403		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266		
4 CSR 30-3.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	28 MoReg 567	
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2127	28 MoReg 567	
4 CSR 30-4.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128	28 MoReg 568	
4 CSR 30-4.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2128R	28 MoReg 568R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128	This Issue	
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2129	28 MoReg 568	
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2132	28 MoReg 568	
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	28 MoReg 568	
4 CSR 30-9.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135R	28 MoReg 569R	
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2135	28 MoReg 569	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2139	28 MoReg 569	
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131	This Issue	
4 CSR 30-12.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2144	28 MoReg 569	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145	This Issue	
4 CSR 30-15.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145R	28 MoReg 569R	
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135	This Issue	
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137	This Issue	
4 CSR 100	Division of Credit Unions				28 MoReg 361 28 MoReg 814 This Issue
4 CSR 140-2.055	Division of Finance		28 MoReg 319		
4 CSR 140-2.140	Division of Finance		28 MoReg 320		
4 CSR 140-11.010	Division of Finance		28 MoReg 320R		
4 CSR 140-11.020	Division of Finance		28 MoReg 320R		
4 CSR 140-11.030	Division of Finance		28 MoReg 321		
4 CSR 140-11.040	Division of Finance		28 MoReg 322		
4 CSR 145-1.030	Missouri Board of Geologist Registration		This Issue		
4 CSR 145-2.030	Missouri Board of Geologist Registration		This Issue		
4 CSR 145-2.100	Missouri Board of Geologist Registration		This Issue		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267	28 MoReg 655	
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267	28 MoReg 655	
4 CSR 150-5.100	State Board of Registration for the Healing Arts		27 MoReg 2146	This Issue	
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139	This Issue	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		This Issue		
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		This Issue		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		This Issue		
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R	This IssueR	
4 CSR 196-1.020	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.020	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.030	Landscape Architectural Council		27 MoReg 2147R	28 MoReg 570R	
4 CSR 196-2.040	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-3.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-4.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 570R	
4 CSR 196-5.010	Landscape Architectural Council		27 MoReg 2148R	28 MoReg 571R	
4 CSR 196-6.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-7.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-9.010	Landscape Architectural Council		27 MoReg 2149R	28 MoReg 571R	
4 CSR 196-10.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 571R	
4 CSR 196-11.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 571R	
4 CSR 196-12.010	Landscape Architectural Council		27 MoReg 2150R	28 MoReg 572R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 200-4.010	State Board of Nursing		28 MoReg 541		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150	This Issue	
4 CSR 205-3.030	Missouri Board of Occupational Therapy		27 MoReg 2151	28 MoReg 572	
4 CSR 205-3.040	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-3.050	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-3.060	Missouri Board of Occupational Therapy		27 MoReg 2152	28 MoReg 572	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		27 MoReg 2153	28 MoReg 572	
4 CSR 205-5.010	Missouri Board of Occupational Therapy		27 MoReg 2153	28 MoReg 573	
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9	This Issue	
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268	This Issue	
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268	This Issue	
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R		
			28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21	This Issue	
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268	This Issue	
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139	This Issue	
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269	28 MoReg 655	
4 CSR 235-1.020	State Committee of Psychologists		28 MoReg 545		
4 CSR 240-2.060	Public Service Commission		27 MoReg 1576	28 MoReg 441	
4 CSR 240-2.200	Public Service Commission		27 MoReg 1578R	28 MoReg 442R	
4 CSR 240-3.010	Public Service Commission		27 MoReg 1578	28 MoReg 442	
4 CSR 240-3.015	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.020	Public Service Commission		27 MoReg 1580	28 MoReg 442	
4 CSR 240-3.025	Public Service Commission		27 MoReg 1580	28 MoReg 443	
4 CSR 240-3.030	Public Service Commission		27 MoReg 1581	28 MoReg 443	
4 CSR 240-3.100	Public Service Commission		27 MoReg 1582	28 MoReg 443	
4 CSR 240-3.105	Public Service Commission		27 MoReg 1583	28 MoReg 444	
4 CSR 240-3.110	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.115	Public Service Commission		27 MoReg 1584	28 MoReg 445	
4 CSR 240-3.120	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.125	Public Service Commission		27 MoReg 1585	28 MoReg 445	
4 CSR 240-3.130	Public Service Commission		27 MoReg 1586	28 MoReg 445	
4 CSR 240-3.135	Public Service Commission		27 MoReg 1586	28 MoReg 446	
4 CSR 240-3.140	Public Service Commission		27 MoReg 1587	28 MoReg 446	
4 CSR 240-3.145	Public Service Commission		27 MoReg 1588	28 MoReg 446	
4 CSR 240-3.150	Public Service Commission		27 MoReg 1591	28 MoReg 446	
4 CSR 240-3.155	Public Service Commission		27 MoReg 1592	28 MoReg 446	
4 CSR 240-3.160	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.165	Public Service Commission		27 MoReg 1593	28 MoReg 447	
4 CSR 240-3.175	Public Service Commission		27 MoReg 1594	28 MoReg 447	
4 CSR 240-3.180	Public Service Commission		27 MoReg 1594	28 MoReg 448	
4 CSR 240-3.185	Public Service Commission		27 MoReg 1595	28 MoReg 448	
4 CSR 240-3.190	Public Service Commission		27 MoReg 1596	28 MoReg 448	
4 CSR 240-3.200	Public Service Commission		27 MoReg 1597	28 MoReg 448	
4 CSR 240-3.205	Public Service Commission		27 MoReg 1599	28 MoReg 450	
4 CSR 240-3.210	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.215	Public Service Commission		27 MoReg 1600	28 MoReg 450	
4 CSR 240-3.220	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.225	Public Service Commission		27 MoReg 1601	28 MoReg 451	
4 CSR 240-3.230	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.235	Public Service Commission		27 MoReg 1602	28 MoReg 451	
4 CSR 240-3.240	Public Service Commission		27 MoReg 1603	28 MoReg 452	
4 CSR 240-3.245	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.250	Public Service Commission		27 MoReg 1604	28 MoReg 452	
4 CSR 240-3.255	Public Service Commission		27 MoReg 1605	28 MoReg 452	
4 CSR 240-3.260	Public Service Commission		27 MoReg 1606	28 MoReg 452	
4 CSR 240-3.270	Public Service Commission		27 MoReg 1606	28 MoReg 453	
4 CSR 240-3.275	Public Service Commission		27 MoReg 1607	28 MoReg 454	
4 CSR 240-3.280	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.285	Public Service Commission		27 MoReg 1608	28 MoReg 454	
4 CSR 240-3.290	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.295	Public Service Commission		27 MoReg 1609	28 MoReg 455	
4 CSR 240-3.300	Public Service Commission		27 MoReg 1610	28 MoReg 455	
4 CSR 240-3.305	Public Service Commission		27 MoReg 1610	28 MoReg 456	
4 CSR 240-3.310	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.315	Public Service Commission		27 MoReg 1611	28 MoReg 456	
4 CSR 240-3.320	Public Service Commission		27 MoReg 1612	28 MoReg 456	
4 CSR 240-3.325	Public Service Commission		27 MoReg 1612	28 MoReg 457	
4 CSR 240-3.330	Public Service Commission		27 MoReg 1613	28 MoReg 457	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.335	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.340	Public Service Commission		27 MoReg 1614	28 MoReg 457	
4 CSR 240-3.400	Public Service Commission		27 MoReg 1616	28 MoReg 457	
4 CSR 240-3.405	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.410	Public Service Commission		27 MoReg 1617	28 MoReg 458	
4 CSR 240-3.415	Public Service Commission		27 MoReg 1618	28 MoReg 458	
4 CSR 240-3.420	Public Service Commission		27 MoReg 1618	28 MoReg 458	
4 CSR 240-3.425	Public Service Commission		27 MoReg 1619	28 MoReg 458	
4 CSR 240-3.435	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.500	Public Service Commission		27 MoReg 1620	28 MoReg 459	
4 CSR 240-3.505	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.510	Public Service Commission		27 MoReg 1621	28 MoReg 459	
4 CSR 240-3.515	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.520	Public Service Commission		27 MoReg 1622	28 MoReg 460	
4 CSR 240-3.525	Public Service Commission		27 MoReg 1623	28 MoReg 460	
4 CSR 240-3.530	Public Service Commission		27 MoReg 1624	28 MoReg 460	
4 CSR 240-3.535	Public Service Commission		27 MoReg 1624	28 MoReg 461	
4 CSR 240-3.540	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.545	Public Service Commission		27 MoReg 1625	28 MoReg 461	
4 CSR 240-3.550	Public Service Commission		27 MoReg 1630	28 MoReg 462	
4 CSR 240-3.555	Public Service Commission		27 MoReg 1631	28 MoReg 462	
4 CSR 240-3.600	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.605	Public Service Commission		27 MoReg 1632	28 MoReg 462	
4 CSR 240-3.610	Public Service Commission		27 MoReg 1633	28 MoReg 462	
4 CSR 240-3.615	Public Service Commission		27 MoReg 1633	28 MoReg 463	
4 CSR 240-3.620	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.625	Public Service Commission		27 MoReg 1634	28 MoReg 463	
4 CSR 240-3.630	Public Service Commission		27 MoReg 1635	28 MoReg 463	
4 CSR 240-3.635	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.640	Public Service Commission		27 MoReg 1636	28 MoReg 464	
4 CSR 240-3.645	Public Service Commission		27 MoReg 1637	28 MoReg 464	
4 CSR 240-10.070	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-10.080	Public Service Commission		27 MoReg 1638R	28 MoReg 464R	
4 CSR 240-13.055	Public Service Commission	26 MoReg 2259	27 MoReg 1639	28 MoReg 464	
4 CSR 240-14.040	Public Service Commission		27 MoReg 1639R	28 MoReg 465R	
4 CSR 240-20.010	Public Service Commission		27 MoReg 1640R	28 MoReg 465R	
4 CSR 240-20.030	Public Service Commission		27 MoReg 1640	28 MoReg 465	
4 CSR 240-20.060	Public Service Commission		27 MoReg 1641	28 MoReg 465	
4 CSR 240-20.070	Public Service Commission		27 MoReg 1644	28 MoReg 465	
4 CSR 240-20.065	Public Service Commission		28 MoReg 711		
4 CSR 240-20.080	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-21.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-30.010	Public Service Commission		27 MoReg 1646R	28 MoReg 466R	
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159		
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160		
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163		
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166		
4 CSR 240-32.030	Public Service Commission		27 MoReg 1647R	28 MoReg 466R	
4 CSR 240-33.060	Public Service Commission		27 MoReg 1647	28 MoReg 466	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169		
4 CSR 240-40.010	Public Service Commission		27 MoReg 1648R	28 MoReg 466R	
4 CSR 240-40.040	Public Service Commission		27 MoReg 1648	28 MoReg 466	
4 CSR 240-45.010	Public Service Commission		27 MoReg 1649R	28 MoReg 467R	
4 CSR 240-50.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-51.010	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-60.030	Public Service Commission		27 MoReg 1650R	28 MoReg 467R	
4 CSR 240-80.010	Public Service Commission		27 MoReg 1651R	28 MoReg 467R	
4 CSR 240-80.020	Public Service Commission		27 MoReg 1651	28 MoReg 467	
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	28 MoReg 547		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	28 MoReg 549		
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169	This Issue	
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170	This Issue	
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170	This Issue	
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170	This Issue	
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171	This Issue	
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171	This Issue	
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171	This Issue	
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172	This Issue	
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173	This Issue	
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174	This Issue	
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174	This Issue	
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178	This Issue	
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178	This Issue	
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182	This Issue	
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186	This Issue	
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186	This Issue	
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186	This Issue	
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259R	27 MoReg 2269R	28 MoReg 808R	
4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	28 MoReg 809R	
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	28 MoReg 809R	
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	28 MoReg 809R	
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261R	27 MoReg 2271R	28 MoReg 809R	
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261R	27 MoReg 2271R	28 MoReg 809R	
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2271R	28 MoReg 809R	
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2272R	28 MoReg 810R	
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2272R	28 MoReg 810R	
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2272R	28 MoReg 810R	
4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2273R	28 MoReg 810R	
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2273R	28 MoReg 810R	
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264R	27 MoReg 2273R	28 MoReg 811R	
4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264R	27 MoReg 2274R	28 MoReg 811R	
4 CSR 270-1.021	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-1.031	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-2.051	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-4.031	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-4.042	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-4.060	Missouri Veterinary Medical Board		This Issue		
4 CSR 270-7.010	Missouri Veterinary Medical Board		This Issue		

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-4.010	Division of Administrative and Financial Services		28 MoReg 322R		
5 CSR 30-660.070	Division of Administrative and Financial Services		27 MoReg 2191	28 MoReg 576	
5 CSR 50-270.010	Division of School Improvement		27 MoReg 2191	28 MoReg 576	
5 CSR 50-340.150	Division of School Improvement		27 MoReg 2193	This Issue	
5 CSR 50-350.040	Division of School Improvement		28 MoReg 640		
5 CSR 50-355.100	Division of School Improvement		28 MoReg 323		
5 CSR 50-380.020	Division of School Improvement		27 MoReg 2196	28 MoReg 576	
5 CSR 60-100.020	Vocational and Adult Education		27 MoReg 1941	28 MoReg 576	
5 CSR 60-480.100	Vocational and Adult Education		27 MoReg 1943R	28 MoReg 577R	
			27 MoReg 1943	28 MoReg 577	
5 CSR 60-900.050	Vocational and Adult Education		27 MoReg 1947	28 MoReg 577	
5 CSR 70-742.141	Special Education		27 MoReg 1947	28 MoReg 577	
5 CSR 80-800.370	Teacher Quality and Urban Education		27 MoReg 1703	28 MoReg 351	28 MoReg 489
5 CSR 80-805.015	Teacher Quality and Urban Education		27 MoReg 1950	28 MoReg 580	
5 CSR 80-805.040	Teacher Quality and Urban Education		27 MoReg 1950	28 MoReg 580	
5 CSR 80-850.045	Teacher Quality and Urban Education		27 MoReg 2198	This Issue	
5 CSR 90-4.410	Vocational Rehabilitation		This Issue		
5 CSR 90-4.420	Vocational Rehabilitation		This Issue		
5 CSR 90-5.410	Vocational Rehabilitation		This Issue		
5 CSR 90-5.420	Vocational Rehabilitation		This Issue		
5 CSR 90-5.440	Vocational Rehabilitation		This Issue		

DEPARTMENT OF TRANSPORTATION

7 CSR 10-3.010	Missouri Highways and Transportation Commission		27 MoReg 2058	28 MoReg 811	
7 CSR 10-3.040	Missouri Highways and Transportation Commission		27 MoReg 2063	28 MoReg 811	
7 CSR 10-10.010	Missouri Highways and Transportation Commission		28 MoReg 21		
7 CSR 10-10.030	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.040	Missouri Highways and Transportation Commission		28 MoReg 23		
7 CSR 10-10.050	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.060	Missouri Highways and Transportation Commission		28 MoReg 24		
7 CSR 10-10.070	Missouri Highways and Transportation Commission		28 MoReg 25		
7 CSR 10-10.080	Missouri Highways and Transportation Commission		28 MoReg 26		
7 CSR 10-10.090	Missouri Highways and Transportation Commission		28 MoReg 26		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.010	Division of Employment Security		28 MoReg 551		
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health	27 MoReg 1858T			
9 CSR 10-5.220	Director, Department of Mental Health	This Issue	This Issue		
9 CSR 10-7.090	Director, Department of Mental Health	This Issue	This Issue		
9 CSR 10-7.110	Director, Department of Mental Health		27 MoReg 1772	28 MoReg 468	
9 CSR 10-7.130	Director, Department of Mental Health		27 MoReg 1951	28 MoReg 468	
			28 MoReg 645		
9 CSR 25-2.105	Fiscal Management		27 MoReg 1951	28 MoReg 655W	
9 CSR 30-3.032	Certification Standards	This Issue	This Issue		
9 CSR 30-3.110	Certification Standards		27 MoReg 1952	28 MoReg 656	
9 CSR 30-4.195	Certification Standards		27 MoReg 1772	28 MoReg 468	
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	This Issue	This Issue		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552		
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553		
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553		
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554		
10 CSR 10-5.170	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.020	Air Conservation Commission		28 MoReg 719		
10 CSR 10-6.060	Air Conservation Commission		27 MoReg 1704	28 MoReg 470	
			28 MoReg 724		
10 CSR 10-6.061	Air Conservation Commission		28 MoReg 728		
10 CSR 10-6.062	Air Conservation Commission		28 MoReg 731		
10 CSR 10-6.065	Air Conservation Commission		27 MoReg 1462	28 MoReg 470	
			28 MoReg 734		
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557		
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274		
10 CSR 10-6.120	Air Conservation Commission		27 MoReg 1707	28 MoReg 471	
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 10-6.410	Air Conservation Commission		27 MoReg 1708	28 MoReg 471	
10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150		
10 CSR 25-12.010	Hazardous Waste Management Commission		This Issue		
10 CSR 30-2.020	Land Survey		This Issue		
10 CSR 30-2.030	Land Survey		This Issue		
10 CSR 30-2.040	Land Survey		This Issue		
10 CSR 30-2.060	Land Survey		This Issue		
10 CSR 30-2.070	Land Survey		This Issue		
10 CSR 30-2.080	Land Survey		This Issue		
10 CSR 30-2.090	Land Survey		This Issue		
10 CSR 30-2.100	Land Survey		This Issue		
10 CSR 60-2.015	Public Drinking Water Program		28 MoReg 735		
10 CSR 60-4.020	Public Drinking Water Program		28 MoReg 736		
10 CSR 60-4.030	Public Drinking Water Program		28 MoReg 737		
10 CSR 60-4.040	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.050	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.055	Public Drinking Water Program		28 MoReg 744		
10 CSR 60-4.070	Public Drinking Water Program		28 MoReg 746		
10 CSR 60-4.090	Public Drinking Water Program		28 MoReg 747		
10 CSR 60-4.100	Public Drinking Water Program		28 MoReg 752		
10 CSR 60-6.050	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R		
			28 MoReg 757		
10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 764		
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 776		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276		
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277		
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278		
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279		
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281		
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282		
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283		
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-6.010	Adjutant General		27 MoReg 2285	28 MoReg 812	
11 CSR 40-2.010	Division of Fire Safety		27 MoReg 1952R		
			27 MoReg 1953	28 MoReg 656	
			28 MoReg 645R		
11 CSR 40-2.015	Division of Fire Safety		27 MoReg 1954	28 MoReg 657	
11 CSR 40-2.020	Division of Fire Safety		27 MoReg 1954R		
			28 MoReg 645R		
11 CSR 40-2.021	Division of Fire Safety		27 MoReg 1955	28 MoReg 657	
11 CSR 40-2.022	Division of Fire Safety		27 MoReg 1955	28 MoReg 658	
11 CSR 40-2.030	Division of Fire Safety		27 MoReg 1958R		
			27 MoReg 1958	28 MoReg 659	
			28 MoReg 645R		
11 CSR 40-2.040	Division of Fire Safety		27 MoReg 1960R		
			27 MoReg 1960	28 MoReg 660	
			28 MoReg 646R		
11 CSR 40-2.050	Division of Fire Safety		27 MoReg 1961R		
			27 MoReg 1962	28 MoReg 661	
			28 MoReg 646R		
11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R		
			28 MoReg 646R		
11 CSR 40-2.061	Division of Fire Safety		27 MoReg 1963	28 MoReg 661	
11 CSR 40-2.062	Division of Fire Safety		27 MoReg 1963	28 MoReg 662	
11 CSR 40-2.064	Division of Fire Safety		27 MoReg 1963	28 MoReg 662	
11 CSR 40-2.065	Division of Fire Safety		27 MoReg 1964	28 MoReg 662	
11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27	This Issue	
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27	This Issue	
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27	This Issue	
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32	This Issue	
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33	This Issue	
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869		
			28 MoReg 646		
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33	This Issue	
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404		
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-10.030	Missouri Gaming Commission		28 MoReg 649		
11 CSR 50-2.430	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 649		
11 CSR 50-2.440	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 650		
11 CSR 50-2.500	Missouri State Highway Patrol		27 MoReg 2200	28 MoReg 581	
11 CSR 50-2.510	Missouri State Highway Patrol		27 MoReg 2200	28 MoReg 581	
11 CSR 50-2.520	Missouri State Highway Patrol		27 MoReg 2201	28 MoReg 581	
11 CSR 75-13.020	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-14.050	Peace Officer Standards and Training Program		27 MoReg 2288	28 MoReg 582	
11 CSR 75-14.080	Peace Officer Standards and Training Program		27 MoReg 2202	28 MoReg 476	
11 CSR 75-15.030	Peace Officer Standards and Training Program		27 MoReg 2203	28 MoReg 476	
DEPARTMENT OF REVENUE					
12 CSR 10-2.045	Director of Revenue		27 MoReg 2203	This Issue	
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R	28 MoReg 663R	
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R	28 MoReg 663R	
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.124	Director of Revenue		27 MoReg 2063R	28 MoReg 477R	
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.270	Director of Revenue		27 MoReg 2291R	28 MoReg 664R	
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R	28 MoReg 664R	
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R	28 MoReg 665R	
12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R	28 MoReg 665R	
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R	28 MoReg 665R	
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294	28 MoReg 666	
12 CSR 10-24.140	Director of Revenue		28 MoReg 404		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294	28 MoReg 666R	
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295	28 MoReg 666R	
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295	28 MoReg 667	
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 3428	28 MoReg 812	
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295	28 MoReg 667	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R	This IssueR	
12 CSR 10-41.010	Director of Revenue	27 MoReg 2125	27 MoReg 2209	28 MoReg 582	
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064	28 MoReg 667W	
12 CSR 10-110.900	Director of Revenue		27 MoReg 2296	28 MoReg 668W	
			This Issue		
12 CSR 10-110.950	Director of Revenue		27 MoReg 2064	28 MoReg 477	
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065	28 MoReg 669W	
			This Issue		
12 CSR 10-111.060	Director of Revenue		27 MoReg 2068	28 MoReg 671W	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299		
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		28 MoReg 405		
13 CSR 70-3.065	Division of Medical Services	28 MoReg 288	28 MoReg 327		28 MoReg 592
13 CSR 70-10.015	Division of Medical Services		27 MoReg 1473	27 MoReg 2306	
		28 MoReg 103	28 MoReg 150		
13 CSR 70-10.150	Division of Medical Services	27 MoReg 2051	27 MoReg 2069	28 MoReg 477	27 MoReg 1125
13 CSR 70-15.010	Division of Medical Services		28 MoReg 560		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 409		
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174	27 MoReg 1324		
		28 MoReg 5T	28 MoReg 409R		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176	27 MoReg 1326	28 MoReg 170	
		28 MoReg 397T	28 MoReg 650		
13 CSR 70-60.010	Division of Medical Services	28 MoReg 290	27 MoReg 2209	28 MoReg 582	28 MoReg 592
13 CSR 70-65.010	Division of Medical Services	28 MoReg 291	27 MoReg 2213	28 MoReg 583	
13 CSR 70-70.010	Division of Medical Services	28 MoReg 293	27 MoReg 2215	28 MoReg 672	
13 CSR 73-1.010	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-1.010)		28 MoReg 412		
13 CSR 73-2	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2)				28 MoReg 489
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.015)		28 MoReg 412		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.020)		28 MoReg 412		
13 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.025)		28 MoReg 417		
13 CSR 73-2.031	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.031)		28 MoReg 417		
13 CSR 73-2.050	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.050)		28 MoReg 418		
13 CSR 73-2.051	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.051)		28 MoReg 419		
13 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.055)		28 MoReg 419		
13 CSR 73-2.060	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.060)		28 MoReg 420		
13 CSR 73-2.080	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.080)		28 MoReg 420		
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.085)		28 MoReg 421		
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.090)		28 MoReg 421		
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.095)		28 MoReg 421		
ELECTED OFFICIALS					
15 CSR 30-3.010	Secretary of State	27 MoReg 1933	27 MoReg 2072	28 MoReg 583	
15 CSR 30-8.010	Secretary of State	27 MoReg 1934T			
		27 MoReg 1934	27 MoReg 2074	28 MoReg 585	
15 CSR 30-8.020	Secretary of State	27 MoReg 1935	27 MoReg 2076	28 MoReg 585	
15 CSR 30-9.040	Secretary of State	27 MoReg 1936	27 MoReg 2078	28 MoReg 585	
15 CSR 30-45.030	Secretary of State		28 MoReg 422		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-50.030	Secretary of State		28 MoReg 34	28 MoReg 812	
15 CSR 30-51.020	Secretary of State		28 MoReg 561		
15 CSR 30-52.310	Secretary of State		28 MoReg 331		
15 CSR 30-54.010	Secretary of State		28 MoReg 561		
15 CSR 30-54.015	Secretary of State		28 MoReg 562		
15 CSR 30-54.060	Secretary of State		28 MoReg 562		
15 CSR 30-54.070	Secretary of State		28 MoReg 563R		
			28 MoReg 563		
15 CSR 30-54.210	Secretary of State		28 MoReg 563R		
			28 MoReg 564		
15 CSR 30-54.220	Secretary of State		28 MoReg 564R		
15 CSR 30-59.020	Secretary of State		28 MoReg 565		
15 CSR 30-59.050	Secretary of State		28 MoReg 565R		
15 CSR 30-59.060	Secretary of State		28 MoReg 565R		
15 CSR 30-59.170	Secretary of State		28 MoReg 565		
15 CSR 30-200.030	Secretary of State	27 MoReg 2215	27 MoReg 2217	28 MoReg 585	
15 CSR 60-11.010	Attorney General		28 MoReg 331		
15 CSR 60-11.020	Attorney General		28 MoReg 331		
15 CSR 60-11.030	Attorney General		28 MoReg 332		
15 CSR 60-11.040	Attorney General		28 MoReg 332		
15 CSR 60-11.050	Attorney General		28 MoReg 333		
15 CSR 60-11.060	Attorney General		28 MoReg 333		
15 CSR 60-11.070	Attorney General		28 MoReg 333		
15 CSR 60-11.080	Attorney General		28 MoReg 334		
15 CSR 60-11.090	Attorney General		28 MoReg 334		
15 CSR 60-11.100	Attorney General		28 MoReg 335		
15 CSR 60-11.110	Attorney General		28 MoReg 335		
15 CSR 60-11.120	Attorney General		28 MoReg 335		
15 CSR 60-11.130	Attorney General		28 MoReg 335		
15 CSR 60-11.140	Attorney General		28 MoReg 336		
15 CSR 60-11.150	Attorney General		28 MoReg 336		
15 CSR 60-11.160	Attorney General		28 MoReg 337		
RETIREMENT SYSTEMS					
16 CSR 10-1.010	The Public School Retirement System of Missouri		28 MoReg 566		
16 CSR 40-3.130	Highways and Transportation Employees and Highway Patrol Retirement System		27 MoReg 2219	28 MoReg 673	
16 CSR 50-2.020	The County Employees' Retirement Fund		28 MoReg 155	This Issue	
16 CSR 50-2.040	The County Employees' Retirement Fund		28 MoReg 155	This Issue	
16 CSR 50-2.080	The County Employees' Retirement Fund		28 MoReg 156	This Issue	
16 CSR 50-2.090	The County Employees' Retirement Fund		28 MoReg 156	This Issue	
16 CSR 50-3.010	The County Employees' Retirement Fund		28 MoReg 157	This Issue	
16 CSR 50-10.030	The County Employees' Retirement Fund		27 MoReg 2219	28 MoReg 586	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-4.020	Office of the Director	28 MoReg 5	28 MoReg 35	28 MoReg 812	
19 CSR 10-5.010	Office of the Director		27 MoReg 1976	28 MoReg 477	
19 CSR 15-4.050	Division of Senior Services		This Issue		
19 CSR 20-8.030	Office of the Director		28 MoReg 422		
19 CSR 20-20.020	Office of the Director	28 MoReg 7	28 MoReg 36	This Issue	
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 776		
19 CSR 20-20.091	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 776		
19 CSR 20-20.092	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 777		
19 CSR 30-1.002	Division of Health Standards and Licensure		28 MoReg 429		
19 CSR 30-1.011	Division of Health Standards and Licensure		28 MoReg 434		
19 CSR 30-1.015	Division of Health Standards and Licensure		28 MoReg 434		
19 CSR 30-1.017	Division of Health Standards and Licensure		28 MoReg 435		
19 CSR 30-1.019	Division of Health Standards and Licensure		28 MoReg 436		
19 CSR 30-1.023	Division of Health Standards and Licensure		28 MoReg 437		
19 CSR 30-1.034	Division of Health Standards and Licensure		28 MoReg 437		
19 CSR 30-1.040	Division of Health Standards and Licensure		28 MoReg 438		
19 CSR 30-40.309	Division of Health Standards and Licensure	This Issue	This Issue		
19 CSR 40-5.010	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.010</i>)				This Issue
19 CSR 40-5.020	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.020</i>)				This Issue
19 CSR 40-5.050	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.050</i>)				This Issue
19 CSR 40-5.060	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.060</i>)				This Issue

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 40-9.020	Division of Maternal, Child and Family Health		28 MoReg 438		
19 CSR 45-5.010	Division of Nutritional Health and Services (Changed from 19 CSR 40-5.010)				This Issue
19 CSR 45-5.020	Division of Nutritional Health and Services (Changed from 19 CSR 45-5.020)				This Issue
19 CSR 45-5.050	Division of Nutritional Health and Services (Changed from 19 CSR 45-5.050)				This Issue
19 CSR 45-5.060	Division of Nutritional Health and Services (Changed from 19 CSR 45-5.060)				This Issue
19 CSR 60-50.300	Missouri Health Facilities Review Committee	28 MoReg 106R 28 MoReg 106	28 MoReg 157R 28 MoReg 157		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	28 MoReg 108R 28 MoReg 109	28 MoReg 159R 28 MoReg 159		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	28 MoReg 110R 28 MoReg 110	28 MoReg 160R 28 MoReg 160		
19 CSR 60-50.420	Missouri Health Facilities Review Committee	28 MoReg 111R 28 MoReg 112	28 MoReg 161R 28 MoReg 161		
19 CSR 60-50.430	Missouri Health Facilities Review Committee	28 MoReg 113R 28 MoReg 113	28 MoReg 162R 28 MoReg 163		
19 CSR 60-50.450	Missouri Health Facilities Review Committee	28 MoReg 115R 28 MoReg 116	28 MoReg 164R 28 MoReg 164		
19 CSR 60-50.700	Missouri Health Facilities Review Committee	28 MoReg 117R 28 MoReg 117	28 MoReg 166R 28 MoReg 166		
19 CSR 73-1.010	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-1.010)		28 MoReg 412		
19 CSR 73-2	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2)				28 MoReg 489
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.015)		28 MoReg 412		
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.020)		28 MoReg 412		
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.025)		28 MoReg 417		
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.031)		28 MoReg 417		
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.050)		28 MoReg 418		
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.051)		28 MoReg 419		
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.055)		28 MoReg 419		
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.060)		28 MoReg 420		
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.080)		28 MoReg 420		
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.085)		28 MoReg 421		
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.090)		28 MoReg 421		
19 CSR 73-2.095	Missouri Board of Nursing Home Administrators (Changed from 13 CSR 73-2.095)		28 MoReg 421		
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				26 MoReg 599 27 MoReg 415 28 MoReg 489
20 CSR	Sovereign Immunity Limits				26 MoReg 75 27 MoReg 41 27 MoReg 2319
20 CSR 100-1.060	Division of Consumer Affairs		27 MoReg 2300		
20 CSR 100-6.110	Division of Consumer Affairs		27 MoReg 1988	28 MoReg 488	
20 CSR 300-2.200	Market Conduct Examinations	28 MoReg 397	28 MoReg 439		
20 CSR 400-3.650	Life, Annuities and Health		27 MoReg 1362		
20 CSR 400-4.100	Life, Annuities and Health		28 MoReg 777R 28 MoReg 778		
20 CSR 400-7.095	Life, Annuities and Health		27 MoReg 1989R 27 MoReg 1989`	28 MoReg 586R 28 MoReg 586	
20 CSR 500-1.210	Property and Casualty		27 MoReg 2219		
20 CSR 500-6.960	Property and Casualty	27 MoReg 848R	27 MoReg 905R 27 MoReg 2220R		
20 CSR 500-10.100	Property and Casualty		27 MoReg 2220		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	28 MoReg 118	28 MoReg 226		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229		
22 CSR 10-2.040	Health Care Plan	28 MoReg 121R	28 MoReg 230R		
22 CSR 10-2.045	Health Care Plan	28 MoReg 122	28 MoReg 230		
22 CSR 10-2.050	Health Care Plan	28 MoReg 123R	28 MoReg 231R		
22 CSR 10-2.055	Health Care Plan	28 MoReg 123	28 MoReg 232		
22 CSR 10-2.060	Health Care Plan	28 MoReg 125R	28 MoReg 233R		
22 CSR 10-2.063	Health Care Plan	28 MoReg 125R	28 MoReg 233R		
22 CSR 10-2.064	Health Care Plan	28 MoReg 125R	28 MoReg 234R		
22 CSR 10-2.067	Health Care Plan	28 MoReg 125R	28 MoReg 234R		
22 CSR 10-2.075	Health Care Plan	28 MoReg 126	28 MoReg 234		
22 CSR 10-2.080	Health Care Plan	28 MoReg 126	28 MoReg 235		

Emergency Rules in Effect as of May 1, 2003**Expires****Office of Administration****Administrative Hearing Commission**

1 CSR 15-3.200 Subject Matter May 30, 2003

Personnel Advisory Board and Division of Personnel

1 CSR 20-2.015 Broad Classification Bands for Managers July 10, 2003

Department of Economic Development**Public Service Commission**

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee August 1, 2003

4 CSR 240-123.030 Seals August 1, 2003

Division of Motor Carrier and Railroad Safety

4 CSR 265-2.070 Complaints May 30, 2003

4 CSR 265-2.080 Pleadings May 30, 2003

4 CSR 265-2.085 Dismissal of Cases May 30, 2003

4 CSR 265-2.090 Discovery and Prehearings May 30, 2003

4 CSR 265-2.100 Subpoenas and Formal Investigations May 30, 2003

4 CSR 265-2.110 Hearings May 30, 2003

4 CSR 265-2.115 Continuances May 30, 2003

4 CSR 265-2.116 Interventions May 30, 2003

4 CSR 265-2.120 Evidence May 30, 2003

4 CSR 265-2.130 Briefs and Oral Argument May 30, 2003

4 CSR 265-2.140 Decisions of the Division May 30, 2003

4 CSR 265-2.150 Rehearings May 30, 2003

4 CSR 265-4.010 Gratuities and Private Employment May 30, 2003

4 CSR 265-4.020 Conduct During Proceedings May 30, 2003

Office of Tattooing, Body Piercing and Branding

4 CSR 267-4.020 Temporary Practitioner License October 24, 2003

Department of Labor and Industrial Relations**Division of Employment Security**

8 CSR 10-3.100 Direct Deposit of Unemployment Benefits October 27, 2003

Department of Mental Health**Director, Department of Mental Health**

9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA) October 14, 2003

9 CSR 10-7.090 Governing Authority and Program Administration October 14, 2003

Certification Standards

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs October 14, 2003

Division of Mental Retardation and Developmental Disabilities

9 CSR 45-5.060 Procedures to Obtain Certification October 14, 2003

Department of Public Safety**Missouri State Highway Patrol**

11 CSR 50-2.430 Verification of Homemade Trailers September 22, 2003

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification September 22, 2003

Department of Revenue**Director of Revenue**

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number
Required for Issuance of a Driver or Nondriver License June 23, 2003

12 CSR 10-41.010 Annual Adjusted Rate of Interest June 29, 2003

Department of Social Services**Division of Family Services**

13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights Cases June 11, 2003

Division of Medical Services

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services July 15, 2003

13 CSR 70-10.150 Enhancement Pools May 6, 2003

13 CSR 70-65.010 Rehabilitation Center Program August 27, 2003

13 CSR 70-70.010 Therapy Program August 27, 2003

Department of Health and Senior Services

Office of the Director

19 CSR 10-4.020 J-1 Visa Waiver Program June 23, 2003

Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases June 23, 2003

Division of Health Standards and Licensure

19 CSR 30-40.309 Application and Licensure Requirements Standards for the Licensure
and Relicensure of Ground Ambulance Services October 11, 2003

Missouri Health Facilities Review Committee

19 CSR 60-50.300 Definitions for the Certificate of Need Process June 29, 2003

19 CSR 60-50.300 Definitions for the Certificate of Need Process June 29, 2003

19 CSR 60-50.400 Letter of Intent Process June 29, 2003

19 CSR 60-50.400 Letter of Intent Process June 29, 2003

19 CSR 60-50.410 Letter of Intent Package June 29, 2003

19 CSR 60-50.410 Letter of Intent Package June 29, 2003

19 CSR 60-50.420 Application Process June 29, 2003

19 CSR 60-50.420 Application Process June 29, 2003

19 CSR 60-50.430 Application Package June 29, 2003

19 CSR 60-50.430 Application Package June 29, 2003

19 CSR 60-50.450 Criteria and Standards for Long-Term Care June 29, 2003

19 CSR 60-50.450 Criteria and Standards for Long-Term Care June 29, 2003

19 CSR 60-50.700 Post-Decision Activity June 29, 2003

19 CSR 60-50.700 Post-Decision Activity June 29, 2003

Department of Insurance

Market Conduct Examination

20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations August 22, 2003

Missouri Consolidated Health Care Plan

Health Care Plan

22 CSR 10-2.010 Definitions June 29, 2003

22 CSR 10-2.020 Membership Agreement and Participation Period June 29, 2003

22 CSR 10-2.040 PPO Plan Summary of Medical Benefits June 29, 2003

22 CSR 10-2.045 Co-pay and PPO Plan Summaries June 29, 2003

22 CSR 10-2.050 PPO Plan Benefit Provisions and Covered Charges June 29, 2003

22 CSR 10-2.055 Co-pay and PPO Plan Benefit Provisions and Covered Charges June 29, 2003

22 CSR 10-2.060 PPO and Co-pay Plan Limitations June 29, 2003

22 CSR 10-2.063 HMO/POS Premium Option Summary of Medical Benefits June 29, 2003

22 CSR 10-2.064 HMO/POS Standard Option Summary of Medical Benefits June 29, 2003

22 CSR 10-2.067 HMO and POS Limitations June 29, 2003

22 CSR 10-2.075 Review and Appeals Procedure June 29, 2003

22 CSR 10-2.080 Miscellaneous Provisions June 29, 2003

**Executive
Orders**

	Subject Matter	Filed Date	Publication
03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, STATE BOARD OF

provisional license to practice; 4 CSR 10-2.022; 12/16/02

ADJUTANT GENERAL

National Guard armory rentals; 11 CSR 10-6.010; 12/16/02, 4/15/03

WWII recognition awards; 11 CSR 10-5.010; 8/1/02, 12/16/02

ADMINISTRATIVE HEARING COMMISSION

subject matter; 1 CSR 15-3.200; 7/1/02, 10/15/02, 12/16/02, 4/15/03

AIR QUALITY, POLLUTION

conformity to state implementation plans; 10 CSR 10-2.390; 10 CSR 10-5.480; 3/17/03

construction permits; 10 CSR 10-6.060; 9/16/02, 3/3/03, 4/15/03
by rule; 10 CSR 10-6.062; 4/15/03
exemptions; 10 CSR 10-6.061; 4/15/03

definitions; 10 CSR 10-6.020; 4/15/03

emissions

alternate limits; 10 CSR 10-6.100; 12/16/02

banking, trading; 10 CSR 10-6.410; 9/16/02, 3/3/03

hazardous air pollutants; 10 CSR 10-6.080; 3/17/03

lead smelter -refinery installations; 10 CSR 10-6.120; 9/16/02, 3/3/03

limitations, oxides of nitrogen; 10 CSR 10-6.350; 1/16/03

lithographic installations; 10 CSR 10-2.340; 2/18/03

motor vehicle inspection; 10 CSR 10-5.380; 6/17/02, 11/1/02

perchloroethylene dry cleaning; 10 CSR 10-2.280,

10 CSR 10-5.320; 7/1/02, 12/16/02

restrictions

odors; 10 CSR 10-2.070, 10 CSR 10-3.090,

10 CSR 10-4.070, 10 CSR 10-5.160; 3/17/03

gasoline Reid vapor pressure; 10 CSR 10-5.443; 5/15/02, 12/2/02

maximum achievable control technology; 10 CSR 10-6.075; 3/17/03

new source performance operations; 10 CSR 10-6.070; 3/17/03

odors, control of; 10 CSR 10-5.170; 9/3/02, 3/3/03

operating permits; 10 CSR 10-6.065; 9/3/02, 3/3/03, 4/15/03

sales tax exemption; 10 CSR 10-6.320; 7/1/02, 2/3/03

AMBULANCES

application and licensure; 19 CSR 30-40.309; 5/1/03

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 6/17/02, 3/3/03, 4/15/03

duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020; 11/15/02, 3/3/03

elk, captive, entering Missouri; 2 CSR 30-2.012; 9/3/02

exhibition; 2 CSR 30-2.040; 11/15/02, 3/3/03, 4/15/03

movement of livestock; 2 CSR 30-2.020; 6/17/02, 11/15/02, 3/3/03, 4/15/03

prohibiting movement of elk, deer; 2 CSR 30-2.011; 6/3/02

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

application, certificate of authority; 4 CSR 30-10.010; 12/2/02, 3/17/03

architects

evaluation; 4 CSR 30-4.060; 1/16/03, 5/1/03

complaint handling, disposition; 4 CSR 30-12.010; 12/2/02, 3/17/03

engineers

licensure; 4 CSR 30-11.030; 1/16/03, 5/1/03

fees; 4 CSR 30-6.015; 8/1/02, 11/15/02

reexamination; 4 CSR 30-6.020; 8/1/02, 11/15/02

filing deadline; 4 CSR 30-4.010, 4 CSR 30-4.020; 12/2/02, 3/17/03

landscape architect

CLARB examinations; 4 CSR 30-5.140; 12/2/02, 3/17/03

evaluation, comity applications; 4 CSR 30-4.090; 12/2/02, 3/17/03

licensee's seal; 4 CSR 30-3.050; 12/2/02, 3/17/03

standards for admission to exam; 4 CSR 30-5.150; 12/2/02, 3/17/03

records, public; 4 CSR 30-15.010; 12/2/02, 3/17/03

renewal period; 4 CSR 30-11.010; 12/2/02, 3/17/03

response to routine matters; 4 CSR 30-9.010; 12/2/02, 3/17/03

seal, official; 4 CSR 30-3.010; 12/2/02, 3/17/03

supervision, immediate personal; 4 CSR 30-13.010; 12/2/02, 5/1/03

surveys, standards for property boundary

accuracy standards for property boundaries; 4 CSR 30-16.040; 5/1/03

condominium surveys; 4 CSR 30-16.100; 5/1/03

definitions; 4 CSR 30-16.020; 5/1/03

land surveying requirements; 4 CSR 30-16.030; 5/1/03

monumentation, approved; 4 CSR 30-16.060; 5/1/03

original surveys; 4 CSR 30-16.080; 5/1/03

resurveys; 4 CSR 30-16.070; 5/1/03

subdivision surveys; 4 CSR 30-16.090; 5/1/03

ASSISTIVE DEVICES

accommodations for the disabled; 15 CSR 60-11.100; 2/18/03

appointment of arbitration firm; 15 CSR 60-11.010; 2/18/03

assignment of arbitrator; 15 CSR 60-11.050; 2/18/03

cost of arbitration; 15 CSR 60-11.040; 2/18/03

decision, arbitrator's; 15 CSR 60-11.140; 2/18/03

defaults; 15 CSR 60-11.120; 2/18/03

filing for arbitration; 15 CSR 60-11.030; 2/18/03

hearing on documents only; 15 CSR 60-11.110; 2/18/03

hearing procedure; 15 CSR 60-11.090; 2/18/03

notice to consumers; 15 CSR 60-11.020; 2/18/03

record keeping; 15 CSR 60-11.150; 2/18/03

representation by counsel or third party; 15 CSR 60-11.080; 2/18/03

request for additional information; 15 CSR 60-11.070; 2/18/03

sample form; 15 CSR 60-11.160; 2/18/03

scheduling of arbitration hearings; 15 CSR 60-11.060; 2/18/03

withdrawal or settlement prior to decision; 15 CSR 60-11.130; 2/18/03

ATHLETIC TRAINERS, REGISTRATION OF

advisory commission; 4 CSR 150-6.080; 9/16/02, 1/2/03

BINGO

price reporting; 11 CSR 45-30.570; 7/1/02, 11/1/02

BOILER AND PRESSURE VESSEL SAFETY

administration; 11 CSR 40-2.020; 11/1/02, 4/1/03

certificates, inspections, fees; 11 CSR 40-2.022; 11/1/02, 4/1/03

code/standards adopted by board; 11 CSR 40-2.015; 11/1/02, 4/1/03

definitions; 11 CSR 40-2.010; 11/1/02, 4/1/03

existing

heating boilers; 11 CSR 40-2.040; 11/1/02, 4/1/03

installation, power boilers; 11 CSR 40-2.030; 11/1/02, 4/1/03

pressure vessels; 11 CSR 40-2.050; 11/1/02, 4/1/03

heating boilers; 11 CSR 40-2.040; 11/1/02, 4/1/03

inspector qualifications/exams/responsibilities; 11 CSR 40-2.021; 11/1/02, 4/1/03
installations, new; 11 CSR 40-2.061; 11/1/02, 4/1/03
power boilers; 11 CSR 40-2.030; 11/1/02, 4/1/03
pressure vessels; 11 CSR 40-2.050; 11/1/02, 4/1/03
repairs; alterations; 11 CSR 40-2.065; 11/1/02, 4/1/03
requirements, general; 11 CSR 40-2.060; 11/1/02, 4/1/03
second-hand, reinstalled used boilers, water heaters, pressure vessels; 11 CSR 40-2.062; 11/1/02, 4/1/03
state special, variances; 11 CSR 40-2.064; 11/1/02, 4/1/03

CERTIFICATE OF NEED PROGRAM

application
package; 19 CSR 60-50.430; 1/16/03
process; 19 CSR 60-50.420; 1/16/03
criteria and standards
long-term care; 19 CSR 60-50.450; 1/16/03
post-decision activity; 19 CSR 60-50.700; 1/16/03
definitions; 19 CSR 60-50.300; 1/16/03
letter of intent
package; 19 CSR 60-50.410; 1/16/03
process; 19 CSR 60-50.400; 1/16/03
review process; 19 CSR 60-50.420; 1/16/03

CHILD ABUSE

review process; 13 CSR 40-31.025; 1/2/03

CONSERVATION COMMISSION

black bass; 3 CSR 10-6.505; 9/3/02, 11/15/02
deer; 3 CSR 10-7.435; 8/15/02, 11/1/02
hunting; 3 CSR 10-11.182; 11/15/02
definitions; 3 CSR 10-20.805; 11/1/02, 1/16/03
dog training area; 3 CSR 10-9.628; 10/1/02, 12/16/02
endangered species; 3 CSR 10-4.111; 10/1/02, 12/16/02
fishing
daily and possession limits; 3 CSR 10-12.140; 11/15/02
hours and methods; 3 CSR 10-11.205; 3/3/03
length limits; 3 CSR 10-12.145; 11/15/02
limits; 3 CSR 10-11.210; 3/3/03
methods; 3 CSR 10-12.135; 11/15/02
provisions, general; 3 CSR 10-6.405; 5/1/03
reciprocal privileges; 3 CSR 10-10.726; 5/1/03
tag and release fishing; 3 CSR 10-10.732; 5/1/03
hunting preserve
privileges; 3 CSR 10-9.565; 9/3/02, 2/3/03, 3/3/03
records required; 3 CSR 10-9.566; 10/1/02, 12/16/02
hunting seasons; 3 CSR 10-11.180; 11/15/02
organization; 3 CSR 10-1.010; 1/2/03, 3/17/03
paddlefish; 3 CSR 10-6.525; 8/15/02, 11/1/02
permits
dog training area; 3 CSR 10-9.627; 10/1/02, 12/16/02
fishing, daily; 3 CSR 10-5.440; 7/15/02, 11/1/02
resident
any-deer hunting; 3 CSR 10-5.351; 7/15/02, 11/1/02
archer's deer hunting; 3 CSR 10-5.360; 7/15/02, 11/1/02
fishing; 3 CSR 10-5.340; 7/15/02, 11/1/02
managed deer hunting; 3 CSR 10-5.359; 7/15/02, 11/1/02
small game hunting; 3 CSR 10-5.345; 7/15/02, 11/1/02
daily; 3 CSR 10-5.445; 7/15/02, 11/1/02
turkey hunting; 3 CSR 10-5.365; 7/15/02, 11/1/02
turkey archers
nonresident; 3 CSR 10-5.565; 6/17/02
wildlife; 3 CSR 10-9.106; 6/17/02, 9/3/02
youth deer and turkey hunting; 3 CSR 10-5.420; 7/15/02, 11/1/02, 2/18/03
prohibitions, general; 3 CSR 10-9.110; 3/3/03
seasons, hunting; 3 CSR 10-11.180; 6/17/02, 9/3/02
turkey season; 3 CSR 10-7.455; 1/2/03, 4/1/03
waterfowl hunting; 3 CSR 10-11.186; 3/3/03

wildlife
breeders; 3 CSR 10-9.353; 2/3/03
Class I; 3 CSR 10-9.230; 2/3/03, 4/15/03
privileges; 3 CSR 10-9.353; 6/17/02, 9/3/02

CONTROLLED SUBSTANCES

definitions; 19 CSR 30-1.011; 3/3/03
dispensing and distribution; 19 CSR 30-1.040; 3/3/03
registration
changes; 19 CSR 30-1.023; 3/3/03
fees; 19 CSR 30-1.015; 3/3/03
location; 19 CSR 30-1.019; 3/3/03
process; 19 CSR 30-1.017; 3/3/03
schedules of controlled substances; 19 CSR 30-1.002; 3/3/03
security for practitioners; 19 CSR 30-1.034; 3/3/03

COSMETOLOGY, STATE BOARD OF

fees; 4 CSR 90-13.010; 1/16/03, 5/1/03
renewal; 4 CSR 90-13.050; 1/16/03, 5/1/03

CREDIT UNIONS

examinations, frequency; 4 CSR 100-2.005; 10/1/02, 1/16/03

DENTAL BOARD, MISSOURI

addressing the public; 4 CSR 110-2.110; 8/1/02, 11/15/02
continuing dental education; 4 CSR 110-2.240; 8/1/02, 11/15/02

DISEASES

blood-borne pathogen standard; 19 CSR 20-20.092; 4/15/03
duties of laboratories; 19 CSR 20-20.080; 4/15/03
inoculation, smallpox; 19 CSR 20-20.020; 1/2/03, 5/1/03
testing, contagious or infectious diseases; 19 CSR 20-20.091; 4/15/03

DRIVERS LICENSE BUREAU RULES

assumed or common use name; 12 CSR 10-24.120; 12/16/02, 4/1/03
back of drivers license; 12 CSR 10-24.430; 8/1/02, 11/15/02
commercial license requirements; 12 CSR 10-24.305; 12/16/02, 4/1/03
delegation of authority; 12 CSR 10-24.395; 12/16/02, 4/1/03
deletion of data from records; 12 CSR 10-24.050; 9/3/02, 12/16/02
permit driver sign; 12 CSR 10-24.472; 12/16/02, 4/1/03
proof of identity; 12 CSR 10-24.448; 1/2/03, 4/15/03
reissuance of license; 12 CSR 10-24.140; 3/3/03
retesting requirements; 12 CSR 10-24.190; 8/15/02, 12/16/02, 4/1/03
trial *de novo* procedures; 12 CSR 10-24.020; 10/1/02, 1/16/03

EGGS

licensing, distribution; 2 CSR 90-36.010; 11/15/02, 4/1/03
repackaging; 2 CSR 90-36.020; 11/15/02

ELEMENTARY AND SECONDARY EDUCATION

A+ schools program; 5 CSR 50-350.040; 4/1/03
adult education, state plan; 5 CSR 60-100.010; 11/1/02
application, certificate to teach; 5 CSR 80-800.200; 9/16/02, 2/18/03
administrators; 5 CSR 80-800.220; 9/16/02, 2/18/03
adult education; 5 CSR 80-800.280; 9/16/02, 2/18/03
assessments required; 5 CSR 80-800.380; 2/18/03
classifications; 5 CSR 80-800.360; 9/16/02, 2/18/03
content areas; 5 CSR 80-800.350; 9/16/02, 2/18/03
discipline, denial; 5 CSR 80-800.300; 9/16/02, 2/18/03
student services; 5 CSR 80-800.230; 9/16/02, 2/18/03
temporary authorization; 5 CSR 80-800.260; 9/16/02, 2/18/03
vocational-technical; 5 CSR 80-800.270; 9/16/02, 2/18/03
assessments for certification; 5 CSR 80-800.380; 10/1/02, 2/18/03
audit policy, requirements; 5 CSR 30-4.030; 11/1/02, 2/18/03
Early Childhood Development Act; 5 CSR 50-270.010; 12/2/02, 3/17/03

federal programs; 5 CSR 30-4.010; 2/18/03
fees; 5 CSR 80-800.370; 9/16/02, 2/18/03
high school equivalence program; 5 CSR 60-100.020; 11/1/02, 3/17/03
individuals with disabilities education act; 5 CSR 70-742.141; 3/17/03
Internet filtering; 5 CSR 50-380.020; 12/2/02, 3/17/03
mentoring program standards; 5 CSR 80-850.045; 12/2/02, 5/1/03
order of selection for services; 5 CSR 90-4.300; 9/16/02, 2/18/03
persistently dangerous schools; 5 CSR 50-355.100; 2/18/03
priority schools; 5 CSR 50-340.150; 12/2/02, 5/1/03
professional education programs; 5 CSR 80-805.015; 11/1/02, 3/17/03
clinical experience requirements; 5 CSR 80-805.040; 11/1/02, 3/17/03
training providers, eligible; 5 CSR 60-480.100; 11/1/02, 3/17/03
veterans education, vocational rehabilitation; 5 CSR 60-900.050; 11/1/02, 3/17/03
video programming in schools; 5 CSR 30-660.070; 12/2/02, 3/17/03
vocational rehabilitation
due process hearing; 5 CSR 90-4.420; 5/1/03
fees; 5 CSR 90-5.410; 5/1/03
home modification, remodeling; 5 CSR 90-5.450; 9/16/02
informal review; 5 CSR 90-4.410; 5/1/03
maintenance, transportation; 5 CSR 90-5.420; 9/16/02, 5/1/03
mediation; 5 CSR 90-4.430; 9/16/02
physical, mental restoration; 5 CSR 90-5.430; 9/16/02
state plan; 5 CSR 60-120.010; 9/16/02
training; 5 CSR 90-5.440; 5/1/03

ELEVATORS

accessibility for the disabled; 11 CSR 40-5.070; 1/2/03, 5/1/03
alterations; 11 CSR 40-5.080; 1/2/03, 5/1/03
fees, penalties; 11 CSR 40-5.110; 10/15/02, 4/1/03
inspectors; 11 CSR 40-5.120; 1/2/03, 5/1/03
new installations; 11 CSR 40-5.050; 1/2/03, 5/1/03
safety codes for existing equipment; 11 CSR 40-5.065; 1/2/03, 5/1/03
scope and application; 11 CSR 40-5.020; 1/2/03, 5/1/03

ENERGY ASSISTANCE

low income home energy assistance; 13 CSR 40-19.020; 10/15/02, 2/18/03

ETHANOL FUEL

producers; 2 CSR 110-1.010; 9/3/02, 1/16/03

EXECUTIVE ORDERS

Children's Division; 03-03; 2/18/03
Energy Policy Council; 03-10; 4/1/03
Family Support, Division of; 03-02; 2/18/03
Future of Higher Education, Commission on the; 03-07; 4/1/03
Highway Safety, Division of; 03-05; 2/18/03
Lewis and Clark; 03-01; 2/18/03
Minority Business Advocacy Commission; 03-06; 2/18/03
supervisory authority; 03-09; 4/1/03
Workforce Development, Division of; 03-04; 2/18/03

FINANCE, DIVISION OF

key man insurance; 4 CSR 140-2.055; 2/18/03
loan companies, small
licensing; 4 CSR 140-11.010; 2/18/03
record keeping; 4 CSR 140-11.020; 2/18/03
preservation of records; 4 CSR 140-2.140; 2/18/03
section 500 companies
licensing; 4 CSR 140-11.030; 2/18/03
record keeping; 4 CSR 140-11.040; 2/18/03

GAMING COMMISSION, MISSOURI

application
priority of; 11 CSR 45-4.060; 9/3/02, 2/3/03
cards, specifications; 11 CSR 45-5.183; 7/1/02, 11/1/02
misconduct, duty to report and prevent; 11 CSR 45-10.030; 4/1/03
occupational license; 11 CSR 45-4.260; 1/2/03
records; 11 CSR 45-3.010; 3/3/03
slot machines; 11 CSR 45-5.200; 10/1/02, 2/3/03, 3/3/03

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

application; 4 CSR 145-1.030; 5/1/03
post-baccalaureate experience; 4 CSR 145-2.030; 5/1/03
seal, registered; 4 CSR 145-2.100; 5/1/03

GEOLOGY AND LAND SURVEY

construction standards; 10 CSR 23-5.050; 1/16/03

HAZARDOUS WASTE MANAGEMENT COMMISSION

fees and taxes; 10 CSR 25-12.010; 5/1/03

HEALING ARTS, BOARD OF REGISTRATION FOR

collaborative practice; 4 CSR 150-5.100; 12/2/02, 5/1/03

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

benefit provision, covered charges; 22 CSR 10-2.055; 1/16/03, 2/3/03
PPO plan benefits; 22 CSR 10-2.050; 1/16/03, 2/3/03
definitions; 22 CSR 10-2.010; 1/16/03, 2/3/03
HMO and POS limitations; 22 CSR 10-2.067; 1/16/03, 2/3/03
limitations; 22 CSR 10-2.060; 1/16/03, 2/3/03
membership agreement, participation period; 22 CSR 10-2.020; 1/16/03, 2/3/03
miscellaneous provisions; 22 CSR 10-2.080; 1/16/03, 2/3/03
review and appeals procedures; 22 CSR 10-2.075; 1/16/03, 2/3/03
summary of medical benefits
co-pay, PPO plan; 22 CSR 10-2.045; 1/16/03, 2/3/03
HMO/POS premium option; 22 CSR 10-2.063; 1/16/03, 2/3/03
HMO/POS standard option; 22 CSR 10-2.064; 1/16/03, 2/3/03
PPO plan; 22 CSR 10-2.040; 1/16/03, 2/3/03

HEALTH MAINTENANCE ORGANIZATIONS

monitoring, definitions; 19 CSR 10-5.010; 11/1/02, 3/3/03

HEARING INSTRUMENT SPECIALISTS

continuing education; 4 CSR 165-2.050; 8/1/02, 11/15/02
license renewal; 4 CSR 165-2.060; 5/1/03
licensure by exam; 4 CSR 165-2.030; 5/1/03
temporary permits; 4 CSR 165-2.010; 5/1/03

HIGHWAYS

contractor performance rating to determine responsibility
annual rating of contractors; 7 CSR 10-10.070; 1/2/03
definitions; 7 CSR 10-10.010; 1/2/03
determination of nonresponsibility; 7 CSR 10-10.080; 1/2/03
explanation of standard deviation; 7 CSR 10-10.060; 1/2/03
performance questionnaire; 7 CSR 10-10.040; 1/2/03
schedule for completion; 7 CSR 10-10.050; 1/2/03
rating categories; 7 CSR 10-10.030; 1/2/03
reservation of rights; 7 CSR 10-10.090; 1/2/03
technician certification program
appeal process; 7 CSR 10-23.030; 6/17/02, 11/15/02
certification, decertification; 7 CSR 10-23.020; 6/17/02, 11/15/02
definitions; 7 CSR 10-23.010; 6/17/02, 11/15/02
utility and private line utility facilities
division of relocation costs; 7 CSR 10-3.040; 11/15/02, 4/15/03
location and relocation; 7 CSR 10-3.010; 11/15/02, 4/15/03

IMMUNIZATIONS

school children, requirements; 19 CSR 20-28.010; 10/15/02, 1/16/03

INCOME MAINTENANCE

limitations on cash payments; 13 CSR 40-2.140; 7/15/02, 11/15/02
medical assistance for families; 13 CSR 40-2.375; 7/15/02, 11/15/02

INDIAN TRIBES

coverage of unemployment insurance; 8 CSR 10-4.180; 7/15/02, 11/1/02

INSURANCE, DEPARTMENT OF

activities requiring licensure; 20 CSR 700-1.020; 8/15/02, 12/16/02

advertising

accident and sickness insurance; 20 CSR 400-5.700; 8/15/02, 12/16/02

life insurance; 20 CSR 400-5.100; 8/15/02, 12/16/02

annuity, modified guaranty; 20 CSR 400-1.150; 8/15/02, 12/16/02

appointment, termination of producers; 20 CSR 700-1.130; 8/15/02, 1/16/03

forms for filing notice of 20 CSR 700-1.135; 8/15/02, 12/16/02

automobile insurance

cancellation, nonrenewal; 20 CSR 500-2.300; 8/15/02, 12/16/02

claims practices; 20 CSR 100-1.200; 8/15/02, 12/16/02

commercial inland marine; 20 CSR 500-1.210; 12/2/02

conduct of business over the Internet; 20 CSR 700-1.025; 8/15/02, 1/16/03

customer information, safeguarding; 20 CSR 100-6.110; 11/1/02, 3/3/03

deceptive practices; 20 CSR 400-5.200; 8/15/02, 12/16/02

definitions; 20 CSR 100-1.010; 8/15/02, 12/16/02

dram shop cost data reporting; 20 CSR 600-1.020; 11/1/02, 2/18/03

education, preclicensing; 20 CSR 700-3.100; 8/15/02, 12/16/02

Federal Liability Risk Retention Act; 20 CSR 200-8.100; 8/15/02, 1/16/03

fee charges; 20 CSR 500-4.400; 8/15/02, 12/16/02

filings required, MGA; 20 CSR 200-10.200; 8/15/02, 12/16/02

financial condition of companies; 20 CSR 200-1.010; 8/15/02, 12/16/02

fire policies, standard; 20 CSR 500-1.100; 8/15/02, 12/16/02

forms, policy and endorsement; 20 CSR 500-6.100; 8/15/02, 12/16/02

fiduciary duty of broker; 20 CSR 700-1.090; 8/15/02, 12/16/02

group health

classification; 20 CSR 400-2.090; 8/15/02, 12/16/02

filings; 20 CSR 400-2.130; 8/15/02, 12/16/02

guaranty association; 20 CSR 400-5.600; 8/15/02, 12/16/02

health maintenance organizations

access plans; 20 CSR 400-7.095; 11/1/02, 3/17/03

provider network adequacy standards; 20 CSR 400-7.095; 11/1/02

incidental fees; 20 CSR 700-1.150; 8/15/02, 1/16/03

interest, vendors/lenders/single; 20 CSR 500-2.400; 8/15/02, 12/16/02

licensing

activities requiring licensure; 20 CSR 700-1.020; 8/15/02

business entity insurance producers; 20 CSR 700-1.110; 8/15/02, 1/16/03

certification letters, application; 20 CSR 700-1.030; 8/15/02, 12/16/02

clearance letters; 20 CSR 700-1.040; 8/15/02, 12/16/02

insurance producer, exam, procedures; 20 CSR 700-1.010; 8/15/02, 1/16/03

payment of earned commissions; 20 CSR 700-1.050; 8/15/02, 12/16/02

reinsurance intermediary; 20 CSR 700-7.100; 8/15/02, 12/16/02

retrospective commission contracts prohibited; 20 CSR 700-1.060; 8/15/02, 12/16/02

life, accident, sickness; 20 CSR 600-2.100; 8/15/02, 12/16/02

revision of rates; 20 CSR 600-2.110; 8/15/02, 1/16/03

life insurance

sold to college students; 20 CSR 400-5.500; 8/15/02, 12/16/02

variable; 20 CSR 400-1.030; 8/15/02, 12/16/02

long-term care; 20 CSR 400-4.100; 8/15/02, 12/16/02, 4/15/03

mandatory provisions; 20 CSR 400-7.030; 8/15/02, 12/16/02

individual contracts, evidence of coverage; 20 CSR 400-7.050; 8/15/02, 12/16/02

medical malpractice award; 20 CSR; 3/1/01, 3/1/02

Medicare Supplement Insurance Minimum Standards Act; 20 CSR 400-3.650; 8/15/02

misrepresentation of policy provisions; 20 CSR 100-1.020; 8/15/02, 12/16/02

mortgage guaranty, definitions; 20 CSR 500-10.100; 12/2/02

motor vehicles, goods as collateral; 20 CSR 500-1.700; 8/15/02, 12/16/02

policy approval criteria; 20 CSR 400-2.060; 8/15/02, 12/16/02

life insurance, annuity contracts; 20 CSR 400-1.010; 8/15/02, 12/16/02

producer service agreements; 20 CSR 700-1.100; 8/15/02, 1/16/03

property; 20 CSR 600-2.200; 8/15/02, 12/16/02

rate regulatory law interpretations; 20 CSR 500-4.100; 8/15/02, 12/16/02

rate variations, consent rate; 20 CSR 500-4.300; 8/15/02, 12/16/02

records, market conduct exam; 20 CSR 300-2.200; 8/15/02, 1/16/03, 3/3/03

reinsurance mirror image rule; 20 CSR 200-2.700; 8/15/02, 1/16/03

replacement of life insurance; 20 CSR 400-5.400; 8/15/02, 1/16/03

representatives of prepaid dental corporations; 20 CSR 700-1.120; 8/15/02, 12/16/02

retaliatory tax supplement filing; 20 CSR 200-3.300; 8/15/02, 12/16/02

right to examination of accident, sickness coverage; 20 CSR 400-2.010; 8/15/02, 12/16/02

settlements, standards; 20 CSR 100-1.060; 12/16/02

solicitation on military installations; 20 CSR 400-5.300; 8/15/02, 12/16/02

sovereign immunity limits; 20 CSR; 3/15/00, 1/2/01, 1/2/02

standards

availability of coverage; 20 CSR 200-6.500; 8/15/02, 12/16/02

competency and trustworthiness; 20 CSR 700-1.140; 8/15/02, 1/16/03

surplus lines insurance

fees and taxes; 20 CSR 200-6.300; 8/15/02, 12/16/02

forms; 20 CSR 200-6.100; 8/15/02, 1/16/03

use of binders; 20 CSR 500-1.300; 8/15/02, 12/16/02

variable contracts other than life; 20 CSR 400-1.020; 8/15/02, 12/16/02

workers compensation; 20 CSR 500-6.700; 10/15/02

managed care organizations; 20 CSR 500-6.700; 6/17/02, 10/1/02

residual market, plan of operation; 20 CSR 500-6.960; 6/3/02, 12/2/02

INTERPRETERS, STATE COMMITTEE OF

principles, general; 4 CSR 232-3.010; 12/16/02, 4/1/03

LANDSCAPE ARCHITECTURAL COUNCIL**application**

business associations; 4 CSR 196-10.010; 12/2/02, 3/17/03

evaluation; 4 CSR 196-3.010; 12/2/02, 3/17/03
reconsideration of denied; 4 CSR 196-2.040; 12/2/02, 3/17/03
reviewing; 4 CSR 196-2.030; 12/2/02, 3/17/03
submitting; 4 CSR 196-2.020; 12/2/02, 3/17/03
certification; 4 CSR 196-4.010; 12/2/02, 3/17/03
complaint handling, routine matters; 4 CSR 196-7.010; 12/2/02, 3/17/03
definitions; 4 CSR 196-1.010; 12/2/02, 5/1/03
fees; 4 CSR 196-6.010; 12/2/02, 3/17/03
information, records; 4 CSR 196-12.010; 12/2/02, 3/17/03
organization; 4 CSR 196-1.020; 12/2/02, 3/17/03
registrant's identification; 4 CSR 196-9.010; 12/2/02, 3/17/03
students, recognition; 4 CSR 196-11.010; 12/2/02, 3/17/03
Uniform National Exam, Plant Material Exam; 4 CSR 196-5.010; 12/2/02, 3/17/03

LAND SURVEY

surveys, standards for property boundary
accuracy standards for property boundaries; 10 CSR 30-2.040; 5/1/03
condominium surveys; 10 CSR 30-2.100; 5/1/03
definitions; 10 CSR 30-2.020; 5/1/03
land surveying requirements; 10 CSR 30-2.030; 5/1/03
monumentation, approved; 10 CSR 30-2.060; 5/1/03
original surveys; 10 CSR 30-2.080; 5/1/03
resurveys; 10 CSR 30-2.070; 5/1/03
subdivision surveys; 10 CSR 30-2.090; 5/1/03

LEAD PROGRAM

lead poisoning; 19 CSR 20-8.030; 3/3/03

LIBRARY, STATE

computers, public access, filtering; 15 CSR 30-200.030; 12/2/02, 3/17/03

LOTTERY, STATE

claim period; 12 CSR 40-80.080; 10/1/02, 2/3/03
tickets, prizes; 12 CSR 40-50.010; 10/1/02, 2/3/03

MEDICAID

dental program; 13 CSR 70-35.010; 7/15/02, 8/15/02, 1/2/03, 3/3/03
drugs excluded from coverage; 13 CSR 70-20.032; 7/15/02, 12/16/02
excludable drugs; 13 CSR 70-20.031; 7/15/02, 12/16/02
health care centers, benefits; 13 CSR 70-26.010; 9/3/02, 12/16/02
hospital settlements; 13 CSR 70-15.040; 7/15/02, 12/16/02
nonexcludable drugs; 13 CSR 70-20.034; 7/15/02, 12/16/02
optical care benefits; 13 CSR 70-40.010; 7/15/02, 8/15/02, 1/16/03, 3/3/03, 4/1/03
payment to trauma hospitals; 13 CSR 70-15.170; 7/15/02
prospective outpatient services; 13 CSR 70-15.160; 7/15/02, 12/16/02
provider enrollment; 13 CSR 70-3.020; 9/3/02, 1/16/03
specialty hospitals; 13 CSR 70-15.010; 3/17/03

MEDICAL SERVICES, DIVISION OF

durable medical equipment; 13 CSR 70-60.010; 12/2/02, 2/18/03, 3/17/03
payment of claims, Medicare Part B; 13 CSR 70-3.065; 2/18/03
privacy, information; 13 CSR 70-1.020; 3/3/03
rehabilitation center program; 13 CSR 70-65.010; 12/2/02, 2/18/03, 3/17/03
therapy program; 13 CSR 70-70.010; 12/2/02, 2/18/03, 4/1/03

MENTAL HEALTH, DEPARTMENT OF

access crisis intervention programs; 9 CSR 30-4.195; 10/1/02, 3/3/03
admission criteria; 9 CSR 30-4.042; 9/3/02, 2/3/03
alcohol and drug abuse programs

adolescents; 9 CSR 30-3.192; 9/3/02, 2/3/03
certification; 9 CSR 30-3.032; 5/1/03
definitions, staff qualifications; 9 CSR 30-3.110; 11/1/02, 4/1/03
outpatient treatment; 9 CSR 30-3.130; 9/3/02, 2/3/03
personnel; 9 CSR 10-7.110; 10/1/02, 3/3/03
service delivery; 9 CSR 30-3.100; 9/3/02, 2/3/03
certification; 9 CSR 10-7.130; 11/1/02, 3/3/03, 4/1/03
personnel, staff development; 9 CSR 30-4.034; 9/3/02, 2/3/03
standards; 9 CSR 30-4.030; 9/3/02, 2/3/03
client records; 9 CSR 30-4.035; 9/3/02, 2/3/03
complaints of abuse, neglect; 9 CSR 10-5.200; 10/15/02
definitions; 9 CSR 30-4.010; 9/3/02, 2/3/03
medication procedures; 9 CSR 30-4.041; 9/3/02, 2/3/03
mental retardation and developmental disabilities
certification; 9 CSR 45-5.060; 5/1/03
organization; 9 CSR 10-1.010; 6/3/02, 9/16/02
psychiatric and substance abuse programs
governing authority and administration; 9 CSR 10-7.090; 5/1/03
Privacy Rule; 9 CSR 10-5.220; 5/1/03
purchasing client services; 9 CSR 25-2.105; 11/1/02, 4/1/03
rights, responsibilities, grievances; 9 CSR 10-7.020; 9/3/02, 2/3/03
service provision; 9 CSR 30-4.039; 9/3/02, 2/3/03
treatment; 9 CSR 30-4.043; 9/3/02, 2/3/03

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 4/1/03

MOTOR CARRIER AND RAILROAD SAFETY

briefs and oral argument; 4 CSR 265-2.130; 12/16/02, 4/15/03
complaints; 4 CSR 265-2.070; 12/16/02, 4/15/03
conduct during proceedings; 4 CSR 265-4.020; 12/16/02, 4/15/03
continuances; 4 CSR 265-2.115; 12/16/02, 4/15/03
decisions of the division; 4 CSR 265-2.140; 12/16/02, 4/15/03
discovery and prehearings; 4 CSR 265-2.090; 12/16/02, 4/15/03
dismissal of cases; 4 CSR 265-2.085; 12/16/02, 4/15/03
evidence; 4 CSR 265-2.120; 12/16/02, 4/15/03
gratuities and private employment; 4 CSR 265-4.010; 12/16/02, 4/15/03
hearings; 4 CSR 265-2.110; 12/16/02, 4/15/03
interventions; 4 CSR 265-2.116; 12/16/02, 4/15/03
pleadings; 4 CSR 265-2.080; 12/16/02, 4/15/03
rehearings; 4 CSR 265-2.150; 12/16/02, 4/15/03
subpoenas and investigations; 4 CSR 265-2.100; 12/16/02, 4/15/03

MOTOR VEHICLE

advertising regulation; 12 CSR 10-26.100; 1/16/03, 5/1/03
auctions, dealers, manufacturers; 12 CSR 10-26.020; 10/1/02, 1/16/03
dealer license plates, certificate of number; 12 CSR 10-26.060; 11/1/02, 2/18/03
electric personal assistive mobility device; 12 CSR 10-23.454; 10/1/02, 1/16/03
established place of business; 12 CSR 10-26.010; 10/1/02, 1/16/03
off-premises shows, tent sales; 12 CSR 10-26.090; 10/1/02, 1/16/03
window tinting; 11 CSR 30-7.010; 4/1/02, 7/15/02

MOTOR VEHICLE INSPECTION

definitions; 11 CSR 50-2.500; 12/2/02, 3/17/03
general information; 11 CSR 50-2.510; 12/2/02, 3/17/03
homemade trailers; 11 CSR 50-2.430; 4/1/03
procedures; 11 CSR 50-2.520; 12/2/02, 3/17/03
vehicle identification, odometer reading; 11 CSR 50-2.440; 4/1/03

NEWBORN SCREENING HEARING PROGRAM

methodologies and procedures; 19 CSR 40-9.020; 3/3/03

NURSING HOME ADMINISTRATORS, BOARD OF

complaints, public; 13 CSR 73-2.085; 3/3/03

course of instruction; 13 CSR 73-2.031; 3/3/03
disciplinary action; 13 CSR 73-2.090; 3/3/03
fees; 13 CSR 73-2.015; 3/3/03
licensure; 13 CSR 73-2.020; 3/3/03
 by reciprocity; 13 CSR 73-2.025; 3/3/03
organization; 13 CSR 73-1.010; 3/3/03
renewal of license; 13 CSR 73-2.050; 3/3/03
 expired; 13 CSR 73-2.055; 3/3/03
standards of professional conduct; 13 CSR 73-2.095; 3/3/03
status, retired licensure; 13 CSR 73-2.051; 3/3/03
temporary emergency license; 13 CSR 73-2.080; 3/3/03
training agencies, registration; 13 CSR 73-2.060; 3/3/03

NURSING HOME PROGRAM

enhancement pools; 13 CSR 70-10.150; 11/15/02, 3/3/03
reimbursement plan; 13 CSR 70-10.015; 9/3/02, 12/16/02, 1/16/03

NURSING, STATE BOARD OF

collaborative practice; 4 CSR 200-4.200; 12/2/02, 5/1/03
complaint handling; 4 CSR 200-4.030; 8/1/02, 11/15/02
fees; 4 CSR 200-4.010; 3/17/03
requirements for licensure; 4 CSR 200-4.020; 8/1/02, 11/15/02

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

competency requirements; 4 CSR 205-5.010; 12/2/02, 3/17/03
fees; 4 CSR 205-1.050; 8/1/02, 11/15/02
inactive status; 4 CSR 205-3.050; 12/2/02, 3/17/03
license renewal; 4 CSR 205-3.040; 12/2/02, 3/17/03
permit, limited; 4 CSR 205-3.030; 12/2/02, 3/17/03
reinstatement; 4 CSR 205-3.060; 12/2/02, 3/17/03
supervision; 4 CSR 205-4.010; 12/2/02, 3/17/03

OPTOMETRY, DIVISION OF

application; 4 CSR 210-2.010; 8/1/02, 11/15/02
complaint handling; 4 CSR 210-2.040; 8/1/02, 11/15/02
examination; 4 CSR 210-2.081; 8/1/02, 11/15/02
fees; 4 CSR 210-2.070; 8/1/02, 11/15/02
licensure by
 examination; 4 CSR 210-2.020; 8/1/02, 11/15/02
 reciprocity; 4 CSR 210-2.011; 8/1/02, 11/15/02

ORGANIC PROGRAM

advisory board; 2 CSR 70-16.020; 2/18/03
certificates issued; 2 CSR 70-16.050; 2/18/03
certifying agent; 2 CSR 70-16.075; 2/18/03
complaints, investigations; 2 CSR 70-16.040; 2/18/03
compliance enforcement; 2 CSR 70-16.045; 2/18/03
definitions; 2 CSR 70-16.010; 2/18/03
inspections, sampling
 certification; 2 CSR 70-16.035; 2/18/03
 registration; 2 CSR 70-16.065; 2/18/03
marketing; 2 CSR 70-16.070; 2/18/03
NOP standards; 2 CSR 70-16.015; 2/18/03
procedures, certification; 2 CSR 70-16.025; 2/18/03
records; 2 CSR 70-16.030; 2/18/03
registration; 2 CSR 70-16.060; 2/18/03
seal; 2 CSR 70-16.055; 2/18/03

PARENTAL RIGHTS

attorney fees
 guardian ad litem fees; 13 CSR 40-30.030; 7/15/02, 12/2/02
 termination cases; 13 CSR 40-30.020; 12/16/02

PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM

courses, standards, certified basic training; 11 CSR 75-14.050; 12/16/02, 3/17/03
instructors, basis requirements; 11 CSR 75-14.080; 12/2/02

peace officer licenses

new license; 11 CSR 75-13.020; 3/3/03
notification of change in status; 11 CSR 75-13.100; 6/3/02, 9/3/02
point scale; 11 CSR 75-13.060; 6/3/02, 9/3/02
procedure to obtain a new license; 11 CSR 75-13.020; 12/2/02
providers license; 11 CSR 75-15.030; 12/2/02, 3/3/03

PERFUSIONISTS, LICENSING OF CLINICAL

advisory commission; 4 CSR 150-8.150; 9/16/02, 1/2/03
education, continuing; 4 CSR 150-8.140; 1/16/03, 5/1/03

PERSONNEL ADVISORY BOARD

broad classification for bands of managers; 1 CSR 20-2.015; 1/16/03, 2/3/03
grievance procedures; 1 CSR 20-4.020; 10/15/02, 2/18/03
hours of work, holidays; 1 CSR 20-5.010; 10/15/02, 2/18/03
leaves of absence; 1 CSR 20-5.020; 6/3/02, 10/15/02, 2/18/03
merit system service; 1 CSR 20-1.040; 10/15/02, 2/18/03

PHARMACY PROGRAM

drug prior authorization, list of
 drugs excluded from coverage; 13 CSR 70-20.032; 7/15/02
 excludable drugs; 13 CSR 70-20.031; 7/15/02
 non-excludable drugs; 13 CSR 70-20.034; 7/15/02
 process; 13 CSR 70-20.200; 6/17/02, 7/1/02, 10/15/02
permits; 4 CSR 220-2.020; 1/2/03, 5/1/03
reimbursement allowance; 13 CSR 70-20.320; 7/15/02, 8/15/02, 1/2/03, 3/3/03
standards of operation; 4 CSR 220-2.010; 8/1/02, 12/2/02
 Class J, shared services; 4 CSR 220-2.650; 1/2/03
sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03

PHARMACY, STATE BOARD OF

automated dispensing, storage system; 4 CSR 220-2.900; 3/17/03
complaint handling; 4 CSR 220-2.050; 8/1/02, 12/16/02
compounding standards; 4 CSR 220-2.400; 1/2/03
continuing pharmacy education; 4 CSR 220-2.100; 8/1/02, 12/16/02
drug repackaging; 4 CSR 220-2.130; 3/3/03
educational, licensing requirements; 4 CSR 220-2.030; 8/1/02, 12/16/02, 5/1/03
patient counseling; 4 CSR 220-2.190; 12/16/02, 5/1/03
nonresident pharmacies; 4 CSR 220-2.025; 8/1/02, 12/16/02
standards of operation; 4 CSR 220-2.010; 8/1/02, 3/17/03
 Class J, shared services; 4 CSR 220-2.650; 1/2/03, 5/1/03
sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03
technician registration; 4 CSR 220-2.700; 12/16/02, 5/1/03

PHYSICAL THERAPISTS/ASSISTANTS

advisory commission; 4 CSR 150-3.210; 9/16/02, 1/2/03
applicants; 4 CSR 150-3.010; 8/1/02, 11/15/02
application forms; 4 CSR 150-3.020; 8/1/02, 11/15/02
definitions; 4 CSR 150-3.200; 12/16/02, 4/1/03
fees; 4 CSR 150-3.080; 8/1/02, 11/15/02

PHYSICIAN ASSISTANTS

advisory commission; 4 CSR 150-7.320; 9/16/02, 1/2/03

PHYSICIAN LOAN AND TRAINING PROGRAMS

J-1 visa waiver program; 19 CSR 10-4.020; 1/2/03, 4/15/03

PHYSICIANS AND SURGEONS

license reinstatement; 4 CSR 150-2.150; 12/16/02, 4/1/03

PODIATRIC MEDICINE, DIVISION OF

fees; 4 CSR 230-2.070; 1/16/03, 5/1/03

POLICE COMMISSIONERS, KANSAS CITY BOARD OF

application, fees; 17 CSR 10-2.010; 8/1/02
regulation and licensing; 17 CSR 10-2.010; 8/1/02

PRESCRIPTION DRUGS, SENIOR RX PROGRAM

rebate program, manufacturers; 19 CSR 90-3.010; 3/1/02

PSYCHOLOGISTS, STATE COMMITTEE OF

fees; 4 CSR 235-1.020; 3/17/03

PUBLIC DRINKING WATER PROGRAM

abatement orders; 10 CSR 60-6.050; 4/15/03

contaminant levels

disinfection by-products; 10 CSR 60-4.090; 4/15/03
inorganic chemicals; 10 CSR 60-4.030; 4/15/03
microbiological; 10 CSR 60-4.020; 4/15/03
secondary; 10 CSR 60-4.070; 4/15/03
synthetic organic chemicals; 10 CSR 60-4.040; 4/15/03
turbidity and backwash recycling; 10 CSR 60-4.050; 4/15/03
volatile organic chemicals; 10 CSR 60-4.100; 4/15/03

definitions; 10 CSR 60-2.015; 4/15/03

disinfection requirements; 10 CSR 60-4.055; 4/15/03

notification, public; 10 CSR 60-8.010; 4/15/03

records, requirements for maintaining; 10 CSR 60-9.010; 4/15/03

reporting requirements; 10 CSR 60-7.010; 4/15/03

reports, consumer confidence; 10 CSR 60-8.030; 4/15/03

PUBLIC SERVICE COMMISSION

applications; 4 CSR 240-2.060; 9/16/02, 3/3/03

cold weather rule; 4 CSR 240-13.055; 12/3/01, 9/16/02, 3/3/03

definitions; 4 CSR 240-3.010; 9/16/02, 3/3/03

discontinuance of service; 4 CSR 240-33.070; 12/2/02

electric utilities

annual rates; 4 CSR 240-3.165; 9/16/02, 3/3/03

acquire stock of public utility; 4 CSR 240-3.125; 9/16/02, 3/3/03

certificate of convenience, necessity; 4 CSR 240-3.105; 9/16/02, 3/3/03

change of electrical suppliers; 4 CSR 240-3.140; 9/16/02, 3/3/03

cogeneration; 4 CSR 240-20.060; 9/16/02, 3/3/03

tariff filings; 4 CSR 240-3.155; 9/16/02, 3/3/03

cold weather report, submission; 4 CSR 240-3.180; 9/16/02, 3/3/03

decommissioning of electric plants; 4 CSR 240-3.185; 9/16/02, 3/3/03

definitions; 4 CSR 240-3.100; 9/16/02, 3/3/03

depreciation studies; 4 CSR 240-3.175; 9/16/02, 3/3/03

events, reporting requirement; 4 CSR 240-20.080; 9/16/02, 3/3/03

general rate increase; 4 CSR 240-3.160; 9/16/02, 3/3/03

issue stock, bonds, notes; 4 CSR 240-3.120; 9/16/02, 3/3/03

merge, consolidate; 4 CSR 240-3.115; 9/16/02, 3/3/03

net metering; 4 CSR 240-20.065; 4/15/03

promotional practices; 4 CSR 240-3.150; 9/16/02, 3/3/03

rate schedules; 4 CSR 240-3.145, 4 CSR 240-20.010; 9/16/02, 3/3/03

reporting requirements; 4 CSR 240-3.190; 9/16/02, 3/3/03

schedule of fees; 4 CSR 240-3.135, 4 CSR 240-21.010; 9/16/02, 3/3/03

sell, assign, lease, transfer assets; 4 CSR 240-3.110; 9/16/02, 3/3/03

trust funds, decommissioning; 4 CSR 240-20.070; 9/16/02, 3/3/03

uniform system of accounts; 4 CSR 240-20.030; 9/16/02, 3/3/03

electric service territorial agreements; 4 CSR 240-3.130; 9/16/02, 3/3/03

energy sellers; 4 CSR 240-45.010; 9/16/02, 3/3/03

filing requirements; 4 CSR 240-3.030; 9/16/02, 3/3/03

gas utilities

acquire property, eminent domain; 4 CSR 240-3.230; 9/16/02, 3/3/03

acquire stock of public utility; 4 CSR 240-3.225; 9/16/02, 3/3/03

certificate of convenience, necessity; 4 CSR 240-3.205; 9/16/02, 3/3/03

cold weather report, submission; 4 CSR 240-3.250; 9/16/02, 3/3/03

conversion of service, upgrading; 4 CSR 240-3.295; 9/16/02, 3/3/03

definitions; 4 CSR 240-3.200; 9/16/02, 3/3/03

depreciation studies; 4 CSR 240-3.275; 9/16/02, 3/3/03

drug, alcohol testing plans; 4 CSR 240-3.280; 9/16/02, 3/3/03

issue stock, bonds, notes; 4 CSR 240-3.220; 9/16/02, 3/3/03

merge, consolidate; 4 CSR 240-3.215; 9/16/02, 3/3/03

pipelines, transportation; 4 CSR 240-3.270; 9/16/02, 3/3/03

promotional practices; 4 CSR 240-3.255; 9/16/02, 3/3/03

rate increase

general; 4 CSR 240-3.235; 9/16/02, 3/3/03

small company; 4 CSR 240-3.240; 9/16/02, 3/3/03

rate schedules; 4 CSR 240-3.260, 4 CSR 240-40.010; 9/16/02, 3/3/03

reports

annual; 4 CSR 240-3.245; 9/16/02, 3/3/03

incident, annual, safety conditions; 4 CSR 240-3.290; 9/16/02, 3/3/03

sell, assign, lease, transfer assets; 4 CSR 240-3.210; 9/16/02, 3/3/03

sellers, gas certification; 4 CSR 240-3.285; 9/16/02, 3/3/03

uniform system of accounts; 4 CSR 240-40.040; 9/16/02, 3/3/03

heating companies

uniform system of accounts; 4 CSR 240-80.020; 9/16/02, 3/3/03

manufactured home

inspection fee; 4 CSR 240-120.140; 2/18/03, 3/17/03

seals; 4 CSR 240-123.030; 2/18/03

Missouri Universal Service Fund

assessments for funding; 4 CSR 240-31.060; 12/2/02

collection of surcharge from end-user subscribers; 4 CSR 240-31.065; 12/2/02

definitions; 4 CSR 240-31.010; 12/2/02

eligibility for funding; 4 CSR 240-31.050; 12/2/02

modular homes, seals; 4 CSR 240-123.030; 3/17/03

name changes, filing; 4 CSR 240-3.020; 9/16/02, 3/3/03

pleadings, filing, service; 4 CSR 240-2.080; 7/1/02, 11/15/02

promotional practices; 4 CSR 240-14.040; 9/16/02, 3/3/03

rate increase requests; 4 CSR 240-10.070; 9/16/02, 3/3/03

reports, annual filing requirements; 4 CSR 240-10.080; 9/16/02, 3/3/03

sewer utility

acquire stock of public utility; 4 CSR 240-3.325; 9/16/02, 3/3/03

certificate of convenience, necessity; 4 CSR 240-3.305; 9/16/02, 3/3/03

definitions; 4 CSR 240-3.300; 9/16/02, 3/3/03

issue stock, bonds, notes; 4 CSR 240-3.320; 9/16/02, 3/3/03

merge, consolidate; 4 CSR 240-3.315; 9/16/02, 3/3/03

rate increase; 4 CSR 240-3.330; 9/16/02, 3/3/03

reports, annual; 4 CSR 240-3.335; 9/16/02, 3/3/03

sell, assign, lease, transfer assets; 4 CSR 240-3.310; 9/16/02, 3/3/03

tariff schedules; 4 CSR 240-3.340, 4 CSR 240-60.030; 9/16/02, 3/3/03

small company, rate increase; 4 CSR 240-2.200; 9/16/02, 3/3/03

steam heating

acquire stock of public utility; 4 CSR 240-3.420; 9/16/02, 3/3/03

certificate of convenience, necessity; 4 CSR 240-3.400; 9/16/02, 3/3/03

issue stock, bonds, notes; 4 CSR 240-3.415; 9/16/02, 3/3/03
 merge, consolidate; 4 CSR 240-3.410; 9/16/02, 3/3/03
 rate schedules; 4 CSR 240-3.425, 4 CSR 240-80.010;
 9/16/02, 3/3/03
 reports, annual; 4 CSR 240-3.435; 9/16/02, 3/3/03
 sell, assign, lease, transfer assets; 4 CSR 240-3.405; 9/16/02,
 3/3/03
 tariff filings, cases; 4 CSR 240-3.025; 9/16/02, 3/3/03
 telecommunications companies
 acquire stock of public utility; 4 CSR 240-3.535; 9/16/02,
 3/3/03
 certificates of authority; 4 CSR 240-3.515; 9/16/02, 3/3/03
 customer-owned coin telephone; 4 CSR 240-3.505; 9/16/02,
 3/3/03
 definitions; 4 CSR 240-3.500; 9/16/02, 3/3/03
 filing requirements; 4 CSR 240-3.510; 9/16/02, 3/3/03
 inquiries, residential customers; 4 CSR 240-3.555; 9/16/02,
 3/3/03
 issue stock, bonds, notes; 4 CSR 240-3.530; 9/16/02, 3/3/03
 merge, consolidate; 4 CSR 240-3.525; 9/16/02, 3/3/03
 rate schedules; 4 CSR 240-3.545; 9/16/02, 3/3/03
 records and reports; 4 CSR 240-3.550, 4 CSR 240-32.030;
 9/16/02, 3/3/03
 reports, annual; 4 CSR 240-3.540; 9/16/02, 3/3/03
 residential customer inquires; 4 CSR 240-33.060; 9/16/02,
 3/3/03
 sell, assign, lease, transfer assets; 4 CSR 240-3.520; 9/16/02,
 3/3/03
 telephone corporations, reporting
 rate schedules; 4 CSR 240-30.010; 9/16/02, 3/3/03
 waivers, variances; 4 CSR 240-3.015; 9/16/02, 3/3/03
 water utilities
 acquire stock of public utility; 4 CSR 240-3.620; 9/16/02,
 3/3/03
 certificate of convenience, necessity; 4 CSR 240-3.600;
 9/16/02, 3/3/03
 filing requirements; 4 CSR 240-3.625; 9/16/02, 3/3/03
 issue stock, bonds, notes; 4 CSR 240-3.615; 9/16/02, 3/3/03
 merge, consolidate; 4 CSR 240-3.610; 9/16/02, 3/3/03
 rate increase; 4 CSR 240-3.635; 9/16/02, 3/3/03
 rate schedules; 4 CSR 240-3.645, 4 CSR 240-50.010;
 9/16/02, 3/3/03
 reports, annual; 4 CSR 240-3.640; 9/16/02, 3/3/03
 schedule of fees; 4 CSR 240-3.630, 4 CSR 240-51.010;
 9/16/02, 3/3/03
 sell, assign, lease, transfer assets; 4 CSR 240-3.605; 9/16/02,
 3/3/03

PURCHASING AND MATERIALS MANAGEMENT

waiver of
 bidding procedures; 1 CSR 40-1.090; 7/1/02, 4/15/03
 Mental Health services; 1 CSR 40-1.090; 1/2/03

REAL ESTATE COMMISSION

application; 4 CSR 250-3.010; 8/1/02, 11/15/02
 accreditation; 4 CSR 250-7.020; 8/1/02, 11/15/02
 classroom course approval; 4 CSR 250-10.030; 8/1/02, 11/15/02
 closing a real estate firm; 4 CSR 250-8.155; 8/1/02, 11/15/02
 complaints; 4 CSR 250-9.010; 8/1/02, 11/15/02
 escrow or trust account; 4 CSR 250-8.220; 8/1/02, 11/15/02
 expiration, renewal; 4 CSR 250-4.020; 8/1/02, 11/15/02
 fees; 4 CSR 250-5.020; 11/1/01, 2/15/02
 instructor approval; 4 CSR 250-10.040; 8/1/02, 11/15/02
 license
 nonresident; 4 CSR 250-4.080; 8/1/02, 11/15/02
 partnership, association, corporation; 4 CSR 250-4.070;
 8/1/02, 11/15/02
 professional corporations; 4 CSR 250-4.075; 8/1/02, 11/15/02
 records; 4 CSR 250-10.070; 8/1/02, 11/15/02

requirements; 4 CSR 250-10.010; 8/1/02, 11/15/02
 sponsors; 4 CSR 250-10.020; 8/1/02, 11/15/02

RECORDS MANAGEMENT

administration; 15 CSR 30-45.030; 3/3/03

RESPIRATORY CARE, MISSOURI BOARD FOR

application; 4 CSR 255-2.010; 8/1/02, 12/16/02
 continuing education; 4 CSR 255-4.010; 8/1/02, 12/16/02

RETIREMENT SYSTEMS

benefits, normal retirement; 16 CSR 50-2.090; 1/16/03, 5/1/03
 county employees' deferred compensation plan
 separation from service; 16 CSR 50-2.040; 1/16/03, 5/1/03
 county employees' defined contribution plan
 contributions; 16 CSR 50-10.030; 12/2/02, 3/17/03
 employee contributions; 16 CSR 50-2.020; 1/16/03, 5/1/03
 creditable service; 16 CSR 50-3.010; 1/16/03, 5/1/03
 highways and transportation employees, highway patrol
 disability benefits for year 2000 plan; 16 CSR 40-3.130;
 12/2/02, 4/1/03
 nonteacher school employee
 recognition of credit; 16 CSR 10-6.065; 8/1/02, 1/2/03
 organization; 16 CSR 10-1.010; 3/17/03
 public school retirement system
 recognition of credit; 16 CSR 10-5.080; 8/1/02, 1/2/03
 source of pension funds; 16 CSR 50-2.080; 1/16/03, 5/1/03

SECURITIES, DIVISION OF

amendments; 15 CSR 30-52.300; 10/1/02, 1/16/03
 application
 renewal, sales representative; 15 CSR 30-59.060; 3/17/03
 registration; 15 CSR 30-52.015; 10/1/02, 1/16/03
 registration or notice filings; 15 CSR 30-51.020; 3/17/03
 bonds
 broker-dealer, sales representative; 15 CSR 30-59.050;
 3/17/03
 mortgage revenue; 15 CSR 30-52.340; 10/1/02, 1/16/03
 civil liability; 15 CSR 30-52.200; 10/1/02, 1/16/03
 completion; 15 CSR 30-52.310; 10/1/02, 1/16/03, 2/18/03
 effectiveness; 15 CSR 30-52.290; 10/1/02, 1/16/03
 exemptions
 general; 15 CSR 30-54.010; 3/17/03
 not-for-profit securities; 15 CSR 30-54.070; 3/17/03
 stock exchange listed securities; 15 CSR 30-54.060; 3/17/03
 transactions, quotation systems; 15 CSR 30-54.220; 3/17/03
 transactions, Regulation D; 15 CSR 30-54.210; 3/17/03
 fees; 15 CSR 30-50.030; 1/2/03, 4/15/03
 financial statements; 15 CSR 30-52.025; 10/1/02, 1/16/03
 foreign real estate; 15 CSR 30-52.190; 10/1/02, 1/16/03
 forms;
 escrow agreement; 15 CSR 30-52.230; 10/1/02, 1/16/03
 Missouri issuer registration; 15 CSR 30-52.272; 10/1/02,
 1/16/03
 offer of refund; 15 CSR 30-52.260; 10/1/02, 1/16/03
 refund for Missouri issuer registration; 15 CSR 30-52.273;
 10/1/02, 1/16/03
 impoundment; 15 CSR 30-52.100; 10/1/02, 1/16/03
 proceeds; 15 CSR 30-52.250; 10/1/02, 1/16/03
 instructions, general; 15 CSR 30-59.020; 3/17/03
 issued by
 closed-end investment companies; 15 CSR 30-52.210;
 10/1/02, 1/16/03
 open-end management companies; 15 CSR 30-52.160;
 10/1/02, 1/16/03
 loans, transactions; 15 CSR 30-52.130; 10/1/02, 1/16/03
 Missouri issuer registration; 15 CSR 30-52.271; 10/1/02, 1/16/03
 notice filings, investment companies; 15 CSR 30-54.015; 3/17/03
 offering price; 15 CSR 30-52.050; 10/1/02, 1/16/03
 options, warrants; 15 CSR 30-52.060; 10/1/02, 1/16/03

partnership, limited; 15 CSR 30-52.180; 10/1/02, 1/16/03
payment plans, periodic; 15 CSR 30-52.140; 10/1/02, 1/16/03
preferred stock, debt securities; 15 CSR 30-52.120; 10/1/02, 1/16/03
promoters' investment; 15 CSR 30-52.080; 10/1/02, 1/16/03
promotional shares; 15 CSR 30-52.070; 10/1/02, 1/16/03
prospectus; 15 CSR 30-52.020; 10/1/02, 1/16/03
provisions, general; 15 CSR 30-52.010; 10/1/02, 1/16/03
record of hearing
 issued by; 15 CSR 30-52.160; 10/1/02, 1/16/03
records, preserved; 15 CSR 30-52.330; 10/1/02, 1/16/03
registration by
 small company; 15 CSR 30-52.275; 10/1/02, 1/16/03
reports; 15 CSR 30-52.320; 10/1/02, 1/16/03
requirements; 15 CSR 30-51.160; 10/1/02, 1/16/03;
 15 CSR 30-59.170; 3/17/03
seasoned issuer registration by filing; 15 CSR 30-52.350; 10/1/02, 1/16/03
selling, expenses, security holders; 15 CSR 30-52.040; 10/1/02, 1/16/03
standards; 15 CSR 30-52.030; 10/1/02, 1/16/03
trusts, real estate; 15 CSR 30-52.150; 10/1/02, 1/16/03
voting rights; 15 CSR 30-52.110; 10/1/02, 1/16/03
withdrawal, termination; 15 CSR 30-52.280; 10/1/02, 1/16/03

SENIOR SERVICES, DIVISION OF
funding formula; 19 CSR 15-4.050; 5/1/03

SOCIAL WORKERS, STATE COMMITTEE OF
application
 clinical social worker; 4 CSR 263-2.050; 12/2/02, 5/1/03
 licensed baccalaureate social worker; 4 CSR 263-2.052;
 12/2/02, 5/1/03
complaint handling and disposition; 4 CSR 263-1.025; 12/2/02, 5/1/03
definitions; 4 CSR 263-1.010; 12/2/02, 5/1/03
educational requirements; 4 CSR 263-2.020; 12/2/02, 5/1/03
 baccalaureate social workers; 4 CSR 263-2.022; 12/2/02, 5/1/03
experience, supervised; 4 CSR 263-2.030; 12/2/02, 5/1/03
 registration of work; 4 CSR 263-2.032; 12/2/02, 5/1/03
fees; 4 CSR 263-1.035; 12/2/02, 5/1/03
licensure
 provisional licensed; 4 CSR 263-2.045; 12/2/02, 5/1/03
 provisional licensed baccalaureate; 4 CSR 263-2.047;
 12/2/02, 5/1/03
reciprocity
 licensed clinical social worker; 4 CSR 263-2.060;
 12/2/02, 5/1/03
 licensed baccalaureate; 4 CSR 263-2.062; 12/2/02, 5/1/03
organization; 4 CSR 263-1.015; 12/2/02, 5/1/03
permits, temporary licensed
 baccalaureate social worker; 4 CSR 263-2.072; 12/2/02, 5/1/03
 clinical social worker; 4 CSR 263-2.070; 12/2/02, 5/1/03
renewal of license; 4 CSR 263-2.075; 12/2/02, 5/1/03
supervisors; 4 CSR 263-2.031; 12/2/02, 5/1/03

SOIL AND WATER DISTRICTS COMMISSION
special area land treatment (SALT) program
 administration; 10 CSR 70-8.010; 12/16/02
 application
 cost-share funds; 10 CSR 70-8.020; 12/16/02
 loan interest share funds; 10 CSR 70-8.080; 12/16/02
 availability of loan interest share funds; 10 CSR 70-8.070;
 12/16/02
 commission administration; 10 CSR 70-8.060; 12/16/02
 cost-share rates; 10 CSR 70-8.040; 12/16/02

design, layout, construction; 10 CSR 70-8.030; 12/16/02
district administration
 cost-share program; 10 CSR 70-8.050; 12/16/02
 loan interest share program; 10 CSR 70-8.110;
 12/16/02
eligibility of costs; 10 CSR 70-8.100; 12/16/02
operation, maintenance; 10 CSR 70-8.090; 12/16/02
process and commission administration; 10 CSR 70-8.120;
 12/16/02

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

advisory commission; 4 CSR 150-4.220; 9/16/02, 1/2/03

TATTOOING, BODY PIERCING AND BRANDING

cleaning, sterilization; 4 CSR 267-5.030; 9/16/02, 1/2/03
complaint handling, disposition; 4 CSR 267-6.020; 9/16/02, 1/2/03
definitions; 4 CSR 267-1.010; 9/16/02, 1/2/03
disciplinary proceedings; 4 CSR 267-6.030; 9/16/02, 1/2/03
enforcement; 4 CSR 267-6.010; 9/16/02, 1/2/03
establishment; 4 CSR 267-3.010; 9/16/02, 1/2/03
 change of name, ownership, location; 4 CSR 267-1.030;
 9/16/02, 1/2/03
fees; 4 CSR 267-2.020; 9/16/02, 1/2/03
licenses; 4 CSR 267-2.010; 9/16/02, 1/2/03
 temporary establishment; 4 CSR 267-4.010; 9/16/02, 1/2/03
 renewals; 4 CSR 267-2.030; 9/16/02, 1/2/03
name, address changes; 4 CSR 267-1.020; 9/16/02, 1/2/03
patrons; 4 CSR 267-5.020; 9/16/02, 1/2/03
preparation, care of site; 4 CSR 267-5.040; 9/16/02, 1/2/03
standards of practice; 4 CSR 267-5.010; 9/16/02, 1/2/03

TAX, INCOME

annual adjusted rate of interest; 12 CSR 10-41.010; 12/2/02, 3/17/03
returns, Missouri consolidated; 12 CSR 10-2.045; 12/2/02, 5/1/03

TAX, SALES/USE

carbon dioxide gas; 12 CSR 10-3.270; 12/16/02, 4/1/03
canteens, gift shops; 12 CSR 10-3.422; 12/16/02, 4/1/03
clubs, places of amusement; 12 CSR 10-3.048; 12/16/02, 4/1/03
coins and bullion; 12 CSR 10-3.124; 11/15/02, 3/3/03
common carriers;
 exemption certificates; 12 CSR 10-3.304; 12/16/02, 4/1/03
electrical energy; 12 CSR 10-110.600; 11/15/02, 4/1/03
 12 CSR 10-3.358; 12/16/02, 4/1/03
exemption certificate; 12 CSR 10-3.514; 12/16/02, 4/1/03
 possession, delivery; 12 CSR 10-3.538; 12/16/02, 4/1/03
farm machinery; 12 CSR 10-110.900; 12/16/02, 4/1/03, 5/1/03
fireworks; 12 CSR 10-3.010; 12/16/02, 4/1/03
gifts, promotional, premiums; 12 CSR 10-3.038; 12/16/02, 4/1/03
guidelines, when title passes; 12 CSR 10-3.150; 12/16/02, 4/1/03
lease or rental; 12 CSR 10-3.226; 12/16/02, 4/1/03
letters of exemption; 12 CSR 10-110.950; 11/15/02, 3/3/03
maintenance charges; 12 CSR 10-3.232; 12/16/02, 4/1/03
manufacturing equipment; 12 CSR 10-111.010; 11/15/02, 4/1/03, 5/1/03
marketing organizations; 12 CSR 10-3.860; 12/16/02, 4/1/03
material recovery processing plant; 12 CSR 10-111.060; 11/15/02, 4/1/03
photographers; 12 CSR 10-3.088; 12/16/02, 4/1/03
printers; 12 CSR 10-3.348; 12/16/02, 4/1/03
railroad rolling stock; 12 CSR 10-3.356; 12/16/02, 4/1/03
repair parts, leased or rented equipment; 12 CSR 10-3.230;
 12/16/02, 4/1/03
resale exemption certificates; 12 CSR 10-3.532; 12/16/02, 4/1/03
sale, when consummates; 12 CSR 10-3.148; 12/16/02, 4/1/03
successor liability; 12 CSR 10-3.500; 12/16/02, 4/1/03
transportation fares; 12 CSR 10-3.222; 12/16/02, 4/1/03
water or air pollution installation contractor; 12 CSR 10-3.372;
 12/16/02, 4/1/03

TIMBER PRODUCTS, TREATED

branding of; 2 CSR 70-40.040; 9/16/02, 2/18/03
inspection, sampling, analysis; 2 CSR 70-40.025; 9/16/02, 2/18/03
standards; 2 CSR 70-40.015; 9/16/02, 2/18/03
tagging peeler core landscape timbers; 2 CSR 70-40.045; 9/16/02, 2/18/03

TRAVEL REGULATIONS

reimbursement; 1 CSR 10-11.010; 7/15/02, 11/15/02

UNIFORM COMMERCIAL CODE

acknowledgements; 15 CSR 30-90.105; 11/1/02, 2/18/03
bulk records; 15 CSR 30-90.075; 11/1/02, 2/18/03
data elements; 15 CSR 30-90.204; 11/1/02, 2/18/03
deadline to refuse filing; 15 CSR 30-90.100; 11/1/02, 2/18/03
definitions; 15 CSR 30-90.010; 11/1/02, 2/18/03
duties, filing officer; 15 CSR 30-90.070; 11/1/02, 2/18/03
errors in filing; 15 CSR 30-90.190; 11/1/02, 2/18/03
fees; 15 CSR 30-90.040; 11/1/02, 2/18/03
filing office data entry; 15 CSR 30-90.110; 11/1/02, 2/18/03
forms; 15 CSR 30-90.030; 11/1/02, 2/18/03
information management system; 15 CSR 30-90.201; 11/1/02, 2/18/03
names, multiple; 15 CSR 30-90.076; 11/1/02, 2/18/03
non-XML filing and search; 15 CSR 30-90.202; 11/1/02, 2/18/03
notice of bankruptcy; 15 CSR 30-90.200; 11/1/02, 2/18/03
notification of defects; 15 CSR 30-90.080; 11/1/02, 2/18/03
overpayment, underpayment of fee; 15 CSR 30-90.060; 11/1/02, 2/18/03
payment, methods of; 15 CSR 30-90.050; 11/1/02, 2/18/03
records, delivery of; 15 CSR 30-90.020; 11/1/02, 2/18/03
refusal to file, defects in filing; 15 CSR 30-90.090; 11/1/02, 2/18/03
status of parties, filing
 amendment; 15 CSR 30-90.130; 11/1/02, 2/18/03
 assignment; 15 CSR 30-90.140; 11/1/02, 2/18/03
 continuation; 15 CSR 30-90.150; 11/1/02, 2/18/03
 correction statement; 15 CSR 30-90.170; 11/1/02, 2/18/03
 financing statement; 15 CSR 30-90.120; 11/1/02, 2/18/03
 termination; 15 CSR 30-90.160; 11/1/02, 2/18/03
searches; 15 CSR 30-90.210; 11/1/02, 2/18/03
search
 logic; 15 CSR 30-90.220; 11/1/02, 2/18/03
 report; 15 CSR 30-90.230; 11/1/02, 2/18/03
 transition; 15 CSR 30-90.240; 11/1/02, 2/18/03
time limit for filing a continuation statement; 15 CSR 30-90.180; 11/1/02, 2/18/03
XML records; 15 CSR 30-90.203; 11/1/02, 2/18/03

UNEMPLOYMENT INSURANCE

registration, claims; 8 CSR 10-3.010; 9/3/02, 12/16/02, 3/17/03

VETERINARY MEDICAL BOARD, MISSOURI

application; 4 CSR 270-1.031; 5/1/03
complaint handling; 4 CSR 270-7.010; 5/1/03
education, continuing; 4 CSR 270-4.042; 5/1/03
fees; 4 CSR 270-1.021; 5/1/03
internship; 4 CSR 270-2.021; 8/1/02, 11/15/02
licensure (exemption); 4 CSR 270-2.051; 5/1/03
practice techniques, standards; 4 CSR 270-4.031; 5/1/03
rules of professional conduct; 4 CSR 270-6.011; 8/1/02, 11/15/02
supervision, standards; 4 CSR 270-4.060; 5/1/03

VITAL RECORDS

death certificate form; 19 CSR 10-10.050; 11/1/02, 2/18/03

VOTING PROCEDURES

eligibility for provisional ballots to be counted; 15 CSR 30-8.020; 11/1/02, 11/15/02, 3/17/03

provisional ballots, envelopes; 15 CSR 30-8.010; 11/1/02, 11/15/02, 3/17/03
voter identification affidavit; 15 CSR 30-3.010; 11/1/02, 11/15/02, 3/17/03
write-in stickers; 15 CSR 30-9.040; 11/1/02, 11/15/02, 3/17/03

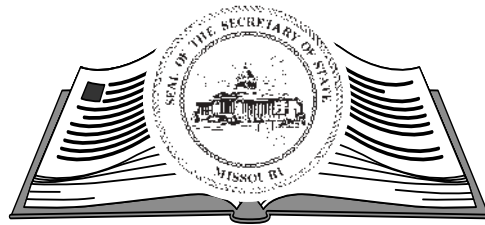
WEIGHTS AND MEASURES

inspection procedures; 2 CSR 90-23.010; 10/15/02, 2/3/03
manufactured homes; 2 CSR 90-10.017; 1/2/02
motor fuels, quality standards; 2 CSR 90-30.040; 9/16/02, 1/2/03
packaging and labeling; 2 CSR 90-22.140; 10/15/02, 2/3/03
petroleum inspection, premises; 2 CSR 90-30.050; 9/16/02
price verification; 2 CSR 90-25.010; 10/15/02, 2/3/03
propane, overfill prevention devices; 2 CSR 90-10.040; 7/15/02
sale of commodities; 2 CSR 90-20.040; 3/15/02, 9/16/02, 1/2/03

WORKERS COMPENSATION

review of awards, orders by ALJs; 8 CSR 20-3.030; 2/18/03

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